

*In an armed conflict, who can be called a ‘civilian’? A ‘protected civilian’? What are the rules governing the protection of civilians under international humanitarian law (IHL)? What protection does the law afford to women? Children? Refugees? Internally displaced persons (IDPs)? What challenges do civilians face in current armed conflicts?*

In today’s armed conflict civilians are often the most affected category of persons. They not only face the risk of death and injuries but also that of displacement. All too frequently, civilians are targeted, used as shields or their means of survival – water, food and shelter – destroyed. Women, children and persons displaced by the conflict may be particularly affected by violence and its consequences.

### **Nature of protection**

Protecting civilians during armed conflict is a cornerstone of IHL, which provides a robust framework within which civilians are protected. This protection extends to their direct environment and property, also known as ‘civilian objects’. The nature of the protection afforded to civilians under IHL is seen through two main lenses. Firstly, the principle of distinction draws a line between civilians and combatants, prohibiting any attacks directly targeting civilians or civilian objects. Accordingly, civilians enjoy general protection against dangers that may arise from hostilities, unless and for such time as they directly take part in hostilities. Nevertheless, they may be incidentally affected by attacks against lawful targets, but even then, the proportionality rule must be respected, and the attacker must take all feasible precautionary measures to avoid incidental effects upon civilians. Secondly, the status of “protected person” grants special protection to several categories of civilians, including those in the hands of a party to the conflict who they are not nationals of, and nationals of neutral states present in occupied territories. IHL also protects specific civilian groups such as women, children, refugees and displaced persons, because of additional risks that such categories may face during armed conflict.

Additionally, IHL provides for certain fundamental guarantees. Among other safeguards, everyone in the power of a party to a conflict is entitled to humane treatment without adverse distinction based on such criteria as race, colour, sex, language, religion, national origin or social status. These fundamental guarantees prohibit such acts as torture, degrading treatment, collective punishments, sexual violence, enforced disappearance, slavery, hostage taking and unfair trials.

The following case studies illustrate further issues pertaining to the protection of civilians in armed conflict:

- Who is a civilian? Protection under the Fourth Geneva Convention: ICTY, The Prosecutor v. Prlić et al.
- Protection of civilian objects, including those indispensable to their survival: Israel/Occupied Palestinian Territory, Exploitation of Natural Resources
- Protection of civilians in occupied territories: Israel/Occupied Palestinian Territory, Exploitation of Natural Resources; UN, Detention of Foreigners; and UN, Resolutions and Conference on Respect for the Fourth Convention
- Deprivation of liberty in armed conflict, particularly, the treatment of civilians, legal basis and judicial guarantees: ICTY, The Prosecutor v. Prlić et al.; ECCC, Detention Sites in Cambodia
- Conduct of hostilities and persons in the power of a party to the conflict: Yemen, Humanitarian Impact of the Conflict

### **Urban warfare and civilian protection**

Increasingly, fighting takes place in cities. This not only poses great risks to civilian populations and infrastructure, but also creates several specific challenges for parties to armed conflicts. The first and fundamental one is ensuring that IHL principles on the conduct of hostilities – distinction, proportionality, precautions – are applied in a manner that protects civilians in urban battlefields, which is oftentimes characterized by the intermingling of civilians and combatants, the proximity of civilian objects and military objectives, and a complex web of interconnected urban infrastructure. In particular, the use of explosive weapons with wide-area impact in densely populated areas continues to raise legal questions and significant humanitarian concern. There is also the need to ensure that sieges and encirclement tactics do not violate the rules on the protection of the civilian population – an issue that has drawn significant attention in recent conflicts.

To understand better the questions and challenges linked to the protection of civilians in situations of urban warfare, see these new case studies:

- Afghanistan/US, ‘Mother of all bombs’
- Somalia/US, Airstrikes in Somali
- Israel/Palestine, Operation Cast Lead
- Poland, Supreme Court, Nangar Khel Incident, the Judgment of the Supreme Court of Poland of 17 February 2016
- Syria, the Battle for Aleppo.

*For more information and insights about the protection of civilians in armed conflict, browse through the following additional resources on “How does law protect in war?”:*

### **The Law:**

More detailed developments and explanations about civilians, their rights, obligations and protection under IHL can be found in the “The Law”, “Civilian Population” chapter.

### **A to Z:**

Relevant definitions can be found in the “A to Z” section: Attacks, Children, Civilian internees, Civilian objects, Civilian population, Civilians, Civilians taking part in hostilities, Classification of persons, Conduct of hostilities, Discrimination (or adverse distinction), Displaced persons, Displacement, Distinction, Enlistment, Family reunification, Fundamental principles of IHL, Grave breaches, Humane treatment, Humanitarian assistance, Internally displaced persons, Internees, Internment, Journalists, Loss of protection, Loss of status, Non-refoulement, Objects indispensable to the survival of the civilian population, Protected objects, Protected persons, Protection of children, Protection of the civilian population, Protection of the environment, Refugees, Schools, Race (adverse distinction based on), Rape and sexual violence, Settlements, Sexual violence, Shelters, Stateless person, War crimes, Women.

### **The Practice:**

Additional case studies from the IHL in Action platform, prepared by students from the IHL Clinic at the Kalshoven-Gieskes Forum, Leiden University, and the Geneva Academy of IHL and Human Rights illustrate:

- Conduct of hostilities: Somalia, AMISOM Takes Steps to Enhance Protection for Civilians.
- Children (including release of child soldiers): Democratic Republic of the Congo, Ending and Preventing the Use of Child Soldiers
- Protection of IDPs: Georgia, Protection of Internally Displaced Persons from Past Conflicts.
- Missing persons and the dead: Colombia, Agreements Accounting for Missing Persons and the Dead.
- Humanitarian assistance: Sri Lanka, Evacuation of the Wounded and Sick.

### **To go further:**

- Convention (IV) relative to the Protection of Civilian Persons in Time of War, and its commentary.
- Enhancing Protection for Civilians in Armed Conflict and Other Situations of Violence details how the ICRC works to protect civilians in armed conflict and other situations of violence.
- The ICRC 2019 Report on International Humanitarian Law and challenges of contemporary armed conflicts contains chapters on “Contemporary and future challenges in the conduct of hostilities” (covering urbanization of armed conflicts and new technologies of warfare) and “Needs of the civilian population in increasingly long conflicts: selected issues.” The latter covers the protection of internally displaced persons; the protection of persons with disabilities; and access to education during armed conflict.
- ICRC, Statement - War in Cities; What is at Stake? provides more insight into the legal and operational challenges of urban warfare.
- This document provides an overview of IHL rules on humanitarian access and COVID-19. This report on the pandemic’s impact on the protection of people caught up in conflict documents real-life experiences by ICRC teams in the field and shows how the measures taken to contain the pandemic have affected the lives of individuals and communities.