In IHL, the principle of non-discrimination is reflected in rules prohibiting adverse
distinction in treatment of persons based on criteria such as race, gender, nationality,
religion or political affiliation. All protected persons [1] – i.e., prisoners of war [2], civilian
internees [3], the wounded and sick [4] and others who are hors de combat [5] should be treated
with the same consideration by parties to the conflict. Each and every person affected by
armed conflict is entitled to his/her fundamental rights and guarantees, without
discrimination.

The only distinctions that are permitted in IHL may be referred to as favourable
distinctions, such as, for example, triage of the wounded and sick based on the severity of
their wounds, or those due to the different statuses IHL foresees (e.g. the difference
between civilians and combatants or between protected civilians and civilians who do not
have protected person status).

See Fundamental principles of IHL [6];

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treatment without any adverse distinction

GCI, 12/2 [7] (see ICRC updated Commentary [8])
GCII, 12/2 [9] (see ICRC updated Commentary [10])

GCIII, 16 [11]

GCIV, 13 [12]

GCIV, 27/3 [13]

PI, 9 [14], 69 [15], 70 [16], 75 [17]

PII, 2 [18], 4 [19], 18/2 [20]

CIHL, 55 [21], 88 [22]

in NIAC

common 3 [23] (see ICRC updated Commentary [24])

CASES

Myanmar, Forced Population Movements [25]

Iraq, Forced displacement and deliberate destruction [26]

Iraq: Situation of Internally Displaced Persons [27]

Iraq, Crimes by Militia Groups [28]