

# Protection in Armed Conflict

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## Key points

- In situations of armed conflict, States and armed groups bear primary responsibility to respect and protect civilians. This involves taking all feasible precautions to minimize the impact of hostilities on them. At the same time, humanitarian actors and UNHCR contribute to the provision of humanitarian protection to civilians through dialogue and engagement with States and armed actors, as well as through operations
- Protection in armed conflict is firmly grounded in international humanitarian law (IHL), which sets out rules and standards for the conduct of armed conflicts. It is also entrenched in the collective security framework outlined in the UN Charter. To provide more effective protection, UNHCR and its partners must deepen their understanding of IHL and the role they can play in supporting implementation
- Conflict and protection analysis, as well as protection monitoring, must inform our engagement in situations of armed conflict. Understanding and analysing the ways in which conflict affects the persons we serve in different ways, including depending on their sex, gender, age and other factors, are key to conduct a comprehensive protection risk analysis and deliver tailored responses
- UNHCR works with others in situations of armed conflict. It is essential to know the protection architecture and the roles and capacities of UN missions, peacekeepers, UN civil-military coordination platforms, the ICRC, as well as affected communities and local actors, among other relevant actors
- Humanitarian protection in armed conflict can entail important risks to forcibly displaced and stateless populations, humanitarians and other partners. Strategies, alliances, engagement and operations must be based on careful risk and benefit assessment and respect the do-no-harm principle. Strict adherence to humanitarian principles is a must

## 1. Overview

Armed conflict is one of the most powerful drivers of forced displacement. They also cause civilian death and injury, the destruction of civilian infrastructure, the increased presence of explosive ordnance including mines and unexploded ordnance, disruption of public services and the rule of law, family separation and unaccompanied children among other effects. Regrettably, the principles of IHL, a cornerstone of these legal frameworks, are increasingly disregarded by combatants in contemporary conflicts. This disregard places millions of civilians in jeopardy, at times as a deliberate war tactic. The main principles of IHL regarding the treatment of civilians are:

- Distinction: the obligation to distinguish between civilians and combatants,
- Precaution: to take all feasible precautions to protect the civilian population and civilian objects against the effects of attacks,
- Proportion: not to cause damage that is excessive in relation to the direct military advantage anticipated.

Protection in armed conflict by UNHCR and partners is based on careful conflict and protection analysis. It can be supported in a number of different ways, aiming to both increase respect for IHL by parties to the conflict and the capacity of communities to engage in protective actions:

- Dialogue and engagement with authorities and armed actors, including advocacy and humanitarian negotiation,
- Operations and projects, such as reinforcing communities' self-protection mechanisms.

UNHCR collaborates closely with others in armed conflict. The concept of protection of civilians (PoC) entails a shared objective across the UN to protect those who are not actively engaged in hostilities. Thus, UNHCR must know and engage the different mandates and protection mechanisms in armed conflict, including UN political and peacekeeping missions, UN Protection Advisors, ICRC, human rights mechanisms and CMCoord bodies among others. In non-refugee situations, UNHCR works also through and with the Protection Cluster and the HCT.

## 2. Relevance for emergency operations

A humanitarian crisis induced by armed conflict may cause a refugee influx and an internal displacement in different parts of the country or also require an emergency level declaration in several country operations, especially when cross-border displacement is expected. Protection in armed conflict is a critical and fundamental aspect of emergency operations as the primary goal of humanitarian action is to save lives and alleviate suffering. Protecting civilians is a fundamental humanitarian imperative that guides emergency operations in conflict zones.

Some aspects of protection of civilians, such as successful advocacy and humanitarian negotiation, may take substantial amount of time. When a previous presence does not exist, UNHCR and partners must carefully but quickly obtain an understanding of conflict and protection challenges, understand the protection architecture and current capacities and establish the necessary contacts, field presence and credibility.

## 3. Main guidance

## **Analysis, monitoring and reporting**

### Conflict and protection analysis

Conflict analysis helps us understand the underlying causes and context of a conflict. Protection analysis assesses the risks facing civilians, including stateless and forcibly displaced populations during conflict. A solid conflict analysis forms the basis of a solid protection analysis. Both are at the basis of our protection strategies, activities and advice to key partners such as HCTs and UN missions.

Conflict analysis looks at the following elements of a conflict:

- Understanding the conflict and its context, including root causes,
- Knowing the communities and leaders involved and their context,
- Identifying the main parties to the conflict and their interests including needs, fears, concerns and aspirations,
- Understanding the motivations behind any deliberate attacks on civilians.

Protection analysis involves identifying the main protection risks for and needs of affected populations. This requires us to understand and analyse the exposure to protection risks that different population groups, according to age, gender and diversity, face during armed conflict. Protection analysis is enriched and updated through protection monitoring.

### Protection monitoring

Protection monitoring looks at changes in the protection situation over time, and identifies relevant patterns and protection incidents. UNHCR and partners should establish a protection monitoring mechanism at the earliest possible stage during an emergency. The mechanism should cover protection concerns linked to armed conflict.

In countries where MARA and MRM mechanisms exist, UNHCR has a responsibility to monitor, document and report serious violations against women, girls and boys. UNHCR can also highlight violations through its engagement with UN human rights mechanisms. Cooperation with accountability mechanisms (national/international courts and tribunals, investigative mechanisms, etc.) requires clearance by UNHCR's Legal Affairs Service and Snr. Management.

## **Dialogue and engagement**

During armed conflicts, humanitarians engage with armed actors and other duty bearers to limit the effects of the conflict on civilians, and promote the rights of individuals. Depending on the protection architecture, this engagement may happen through specific coordination and leadership mechanisms, such as the HC and CIMIC platforms. At the same time, UNHCR may engage directly with armed groups if needed for access or protection of individuals under its mandate and other affected populations as necessary. Engagement with the ICRC, as appropriate, is always essential. Dialogue and engagement will normally prove essential when working to maintain or restore the civilian and humanitarian character of sites hosting displaced populations.

Proper protection analysis and knowledge of IHL is of the essence. However, UNHCR may not be in a position to base its engagement on detailed legal analysis of military actions. Field colleagues need to keep in mind that trust building, strict adherence to humanitarian principles and knowledge of local values and culture are very important assets in advocacy and negotiation. Both processes may require continuous and thorough engagement over time.

### Protection advocacy

UNHCR and partners advocate with duty bearers to bring policy, practice or law in line with international standards. Advocacy works best when is done in collaboration with key partners. Successful protection advocacy in armed conflict requires:

- Well-defined objectives, based on desired protection changes for the population we work with and for,
- Proper identification of the stakeholders we seek to influence, their interests and power.
- Careful choice of methodology, including discreet persuasion, mobilization of others and, as a last resort and after careful analysis and decision-making, denunciation.

### Humanitarian negotiation

Through humanitarian negotiation with duty bearers, including state and non-state armed actors, UNHCR and partners seek to establish humanitarian presence in conflict environments, ensure access to affected populations and facilitate assistance and protection. Differently to advocacy, a negotiation is in essence a transaction. Successful humanitarian negotiation requires, among other:

- Establishing clearly what we are trying to achieve and how much we are ready to concede,
- A good understanding of the interests and values of the other part, and how much they may be ready to concede,
- Establishing clearly that while modalities can be negotiated, humanitarian actors will always advocate for adherence to international standards.

### **Operational approaches**

Besides engagement and dialogue, monitoring and reporting, UNHCR and partners can also enhance protection in armed conflict through specific operational approaches. These may include, according to context:

- Protection by presence, usually in synergy with other approaches such as Community Support Projects (CSPs) and protection monitoring,
- Reinforcing self-protection mechanisms, such as community policing, mobile courts and community-based contingency plans for cyclical displacement,
- Humanitarian evacuations. These are always a measure of last resort, when conditions are or can quickly become intolerable for affected populations. They never constitute in itself a durable solution and must be carried out only after careful decision-making, planning and risk management, in line with existing UNHCR guidance and in coordination with partners.

## **Working with others**

The centrality of protection requires collective efforts to refuse protection risks for affected people. As part of these efforts, protection in armed conflict will happen in close collaboration with other humanitarian and UN partners. UNHCR needs to pay close attention to the humanitarian and protection architecture, including in UN missions with a protection mandate.

### Protection Clusters

In IDPs and other non-refugee operations, protection in armed conflict will be coordinated within UNHCR-led Protection Clusters. Together with their AoRs, they play a key role in protection monitoring and analysis, coordination of the protection response, informing the HCT, as well as Access Working Groups, Inter-Cluster Coordination Groups, CIMIC and other platforms, with regards to protection priorities and advancing protection advocacy. Protection Clusters can also work through HCT protection strategies and the HC for operational and advocacy purposes.

Among other issues, UNHCR advocates for the integration of mine action and explosive ordnance (EO) risk education into protection strategies and plans and, promotes risk awareness among affected populations. Furthermore, UNHCR supports data collection and needs assessments to identify the extent of the mine and EO problem in areas where refugees and IDPs are located.

### UN missions

Some UN peacekeeping and political missions may incorporate protection objectives. According to specific mandates, these may be discharged through integrated human rights components, protection advisors, specific Protection of Civilians strategies and the use of force by peacekeepers. Acting as appropriate within coordination mechanisms (such as Protection Clusters and HCTs) UNHCR should:

- Understand protection mandates and activities of UN missions,
- Share protection analyses, including for early warning,
- Guide protection strategies and modalities, including the provision of physical protection,
- Sensitize and train on humanitarian protection,
- Engage to maintain the civilian character of IDP/ refugee camps and settlements.

## **Risk management**

Protection in armed conflict may entail important risks for affected populations, humanitarian staff and partners. Mistakes and ill judgement can lead to death, injury or reputational damage. It is essential that strategies, alliances, engagement and operations are based on careful risk and benefit assessment and respect the do-no-harm principle. Strict adherence to humanitarian principles is a must. Any UNHCR's assistance to non-UN security forces must adhere to the UN Due Diligence Policy. UNHCR and partners must rapidly but carefully establish field presence and operations, credibility, alliances and contacts, including with affected populations. Particular consideration is needed with regards to the different risks communities and local partners and staff may face, based on ongoing dialogue and joint risk assessments. These measures will in itself help to reduce risks, and facilitate the progressive enrichment of risk mitigation measures.

## Post emergency phase

Protection in armed conflict and adherence to International Humanitarian Law (IHL) extend beyond the initial humanitarian emergency phase. Given the increasingly protracted nature of modern conflicts, it is imperative to uphold IHL principles consistently throughout the entirety of armed hostilities, from initiation to resolution, including situations of occupation.

Beyond IHL, the protection of civilians encompasses a broader spectrum, that extends beyond armed conflicts. International human rights law and other legal frameworks also play pivotal roles in protecting civilians in various situations, including times of peace.

Integral to this effort is the development of conflict-sensitive preparedness, contingency plans and protection analyses, along with meaningful engagement and partnerships with key actors. Active engagement with peace and development actors during the transition from emergency to post-emergency phases is crucial in the overarching goal of peacebuilding.

Many return movements will occur within a post-emergency phase. However, refugees and IDPs may not always return after all causes of displacement have disappeared. Thus, protection in armed conflict may still be relevant during return movements.

## Annexes

[UNHCR, Toolkit: Humanitarian Protection in Armed Conflict, 2019](#)

[GPC, Access that Protects: An Agenda for Change, 2022](#)

[UNDPO, The Protection of Civilians in United Nations Peacekeeping, 2023](#)

[UNHCR/ICRC Aide Memoire - Operational Guidance on Maintaining the Civilian and Humanitarian Character of Sites and Settlements, 2019](#)

[UNHCR, Guidance Note on Maintaining the Civilian and Humanitarian Character of Asylum, 2018](#)

## 4. Learning and field practices

The self-paced e-course Protection in Armed Conflict provides practical tips, valuable resources and tools. The course is accessible to UNHCR staff only under this link:

[Protection in Armed Conflict | Learning - Workday \(myworkday.com\)](#)

## 5. Links

[ICRC, Enhancing Protection for Civilians in Armed Conflict and Other Situations... UN Documents for Protection of Civilians: Secretary-General's Reports GPC, Global Protection Update](#)