Protection of civilians: The role of UNHCR
5 Protection of civilians: The role of UNHCR

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5.1 Why this module?
- UNHCR’s work in and close to armed conflicts can involve dealing with a UN presence that has a protection of civilians mandate. You therefore need to understand what “protection of civilians” entails in the wider UN context, and the differences between this concept and “protection” in UNHCR’s work for displaced populations.
- A clearer understanding of the protection of civilians concept will give you an overview of the broader UN system operating in and close to armed conflicts, and how to best use the richness of this system for protection outcomes, while at the same time being aware of the potential risks and challenges such an approach entails.

5.2 What will I find in this module?
- The different definitions of “protection”.
- A framework for the protection of civilians within UN peace operations.
- How UNHCR can work with other agencies to protect civilians.
- A checklist for UNHCR protection activities.
5.3 The “protection of civilians” concept

5.3.1 History

Protection of civilians is central to the UN’s work on international peace and security. The concept derives from IHL and was developed in the 1990s as a reaction to increasing civilian casualties in modern armed conflicts.

The Security Council has addressed such protection issues as:

- humanitarian access;
- the protection of refugees and IDPs;
- the humanitarian and civilian character of camps and settlements for refugees and IDPs;
- the protection of children during armed conflict;
- protection against sexual violence in conflict;
- most recently, the protection of health personnel and facilities during armed conflict.

In October 1999, for the first time, the Security Council authorized a peacekeeping force to use force to protect civilians under imminent threat of physical violence in accordance with Chapter VII of the UN Charter (a “protection of civilians mandate”). By 2009, such activities were “given priority in decisions about the use of available capacity and resources,” and the vast majority of today’s peace operations have a protection of civilians mandate.

In addition to authorizing the use of force to protect civilians, the Security Council has used sanctions, fact finding commissions, commissions of inquiry, and international justice mechanisms.

5.3.2 Terminology

The term “protection” has different meanings for political, military, humanitarian, human rights and development actors.

This has led to confusion in the field as to what peacekeeping activities constitute “protection” and how these activities relate to other forms of “protection” work by, for example, humanitarians.

UNHCR and other humanitarian agencies apply a definition of “protection” that encompasses “all activities aimed at obtaining full respect for the rights of the individual in accordance with IHL, international human rights law, and international refugee law”.

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29 UN Security Council Resolution 1270 (1999), UN Doc. S/RES/1270, para. 14. The UN mission in Sierra Leone (UNAMSIL) was provided with a mandate that authorized it to take “the necessary action […] to afford protection to civilians under imminent threat of physical violence”.

Contrasting definitions of “protection”

<table>
<thead>
<tr>
<th>Inter-Agency Standing Committee (IASC)</th>
<th>UN Department of Peacekeeping Operations (UN-DPKO)</th>
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</thead>
<tbody>
<tr>
<td>All activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law and refugee law.</td>
<td>All necessary means, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government.</td>
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</tbody>
</table>

The UN-DPKO concept of “protection” differs from the humanitarian definition because it also comprises a political element and explicitly includes the use of force, which may call into question the neutrality of the operation. By contrast, humanitarian protection is strictly bound by the humanitarian principles of impartiality, neutrality and operational independence, which mean that the use of force, in any form, is always excluded.

While there is no commonly accepted definition of the protection of civilians, a holistic view entails that this includes the act of protecting from violence those who are not directly participating in hostilities, and minimizing harm to them. Who is considered a civilian during an armed conflict is determined by IHL.

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The specificities of “humanitarian protection”

<table>
<thead>
<tr>
<th>On the one hand ...</th>
<th>On the other hand ...</th>
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<tbody>
<tr>
<td>Protection work by UNHCR and other humanitarian agencies can overlap with the roles and actions of other UN agencies.</td>
<td>Humanitarian protection has very distinct features and is strictly guided by humanitarian principles.</td>
</tr>
<tr>
<td>A UN peacekeeping force may provide physical security to civilians, including displaced populations.</td>
<td>The use of force would be incompatible with the role and mandate of UNHCR and other humanitarian agencies.</td>
</tr>
<tr>
<td>During armed conflicts, human rights actors will often focus on monitoring, investigation, reporting (including civilian casualty tracking) and analysis, which informs the UN’s wider efforts to prevent and respond to violations, including advocacy and engagement with parties to the conflict.</td>
<td>Humanitarian agencies will often avoid going public about IHL or human rights violations, to maintain access to affected populations.</td>
</tr>
<tr>
<td>Other agencies involved in protection will work in accordance with their rules and principles.</td>
<td>Humanitarian agencies will follow the principles of humanity, impartiality, neutrality and independence. These form the guiding framework for a humanitarian approach to the protection of civilians.</td>
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</tbody>
</table>

When you work with other agencies, you will need to be aware of their mandate and that of the UNHCR. You will also need to ensure that cooperation respects humanitarian principles. See also 3.8 How engagement with weapon bearers can support protection work.

5.3.3 Current UN-wide priorities

In 2017, the UN Secretary-General put forward his vision for the protection of civilians, in which he stressed that a unified effort throughout the UN system was needed to prevent crises and protect civilians in armed conflict.\(^{34}\)

Protection of civilians – the three priorities in the SG’s 2017 report

1. Enhance respect for international law and promote good practices by parties to conflicts.
2. Protect humanitarian and medical staff and facilities, and prioritize the protection of civilians in UN peace operations.
3. Prevent forced displacement and pursue durable solutions for refugees and IDPs.

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\(^{34}\) Report of the Secretary-General on the protection of civilians in armed conflict, 10 May 2017, UN Doc. S/2017/414.
The third priority – “Prevent forced displacement and pursue durable solutions for refugees and IDPs” – is of particular importance to UNHCR’s work, and includes considering:

- protection risks in refugee and IDP operations;
- the civilian and humanitarian character of camps and settlements;
- forced returns;
- protracted internal displacement.

The Secretary-General emphasised that addressing forced displacement demanded greater coherence between humanitarian and development actors, together with durable solutions (see 5.5 Working together to protect civilians).
5.4 Protection of civilians within UN peace operations

The framework for UN peace operations is laid down in the DPKO/DFS Policy *The protection of Civilians in United Nations Peacekeeping*. That policy establishes a three-tier model to describe the protection of civilians.

### Operational concept for the protection of civilians

<table>
<thead>
<tr>
<th>Tier I</th>
<th>Tier II</th>
<th>Tier III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection through dialogue and engagement</td>
<td>Provision of physical protection</td>
<td>Establishment of a protective environment</td>
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</tbody>
</table>

- **Tier I**
  - Dialogue with parties to the conflict
  - Mediation between parties to the conflict
  - Requesting governments to intervene to protect civilians
  - Public information and reporting on protection of civilians

- **Tier II**
  - Military activities involving the showing or use of force to prevent, deter, pre-empt and respond to situations in which civilians are under threat of physical violence
  - Police activities involving the showing or use of force to prevent, deter, pre-empt and respond to situations in which civilians are under threat of physical violence

- **Tier III**
  - Support for the political process (including in transition periods)
  - Disarmament, demobilization and reintegation
  - Promotion and strengthening of the rule of law
  - Fighting impunity and strengthening accountability
  - Support for security sector reform
  - Management and disposal of arms and ammunition stockpiles
  - Support for the participation of women in peacebuilding and the inclusion of women in decision-making processes in post-conflict governance structures
  - Helping to create conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and IDPs
Tier III is deliberately designed to be broad, and orientated towards long-term peacebuilding and development. It encompasses many different activities, which are often closely related to UNHCR’s work, such as:

- helping to create conditions conducive to voluntary, safe, dignified and sustainable return;
- support for the participation of women in conflict prevention, conflict resolution and peacebuilding;
- helping to establish security conditions that will facilitate the delivery of humanitarian assistance.

5.5 Working together to protect civilians

Protecting civilians during armed conflicts requires UN agencies and other actors to work together.

The UN’s approach to the protection of civilians draws on the abilities of various UN and other agencies, with distinct yet complementary mandates, expertise and approaches to protection.

The Secretary-General's vision of a “peace continuum”, where the protection of civilians is a priority throughout the process,\(^{35}\) includes linking humanitarian activities with prevention and peacebuilding.

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\(^{35}\) Report of the Secretary-General on the protection of civilians in armed conflict, 10 May 2017, UN Doc. S/2017/414, para 76.
5.6 How UNHCR contributes to the protection of civilians

5.6.1 Monitoring and early warning (including data collection and analysis)

- By engaging with displaced and other crisis-affected populations, UNHCR and other humanitarian organizations can often fulfill an early warning function, as we may well be the first to detect critical developments that will require a broader political response, i.e. a response that goes beyond the scope of humanitarian action.

- By carrying out protection monitoring, data collection and analyses in and close to armed conflicts, humanitarian organizations can inform inter-agency decision making and mobilize the wider UN system with data and analysis on protection risks, rights violations and forced displacement.36

- Such data collection and analysis can foster accountability; inform engagement with national authorities and other parties to the conflict; optimize the overall UN approach; and feed into human rights reporting, such as:
  - the work of the Human Rights Council;
  - the Secretary-General’s country-specific and thematic reports.

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5.6.2 Guiding the provision of physical protection

UN peacekeeping personnel in uniform may be able to provide armed protection against physical violence, through the threat or use of force. The extent to which they can provide such protection will depend on their mandate and operational capacity. Decisions on where and when to provide armed protection should be informed by protection analysis from human rights and humanitarian actors, often through the Protection Clusters.

5.6.3 Capacity building

- Various UN entities train military, defence and security forces, which in turn contributes to the protection of civilians.
- Human rights and protection personnel within UN peace operations train military, government and civil society personnel, to enhance prevention and accountability regarding the protection of civilians.

Yemen and Afghanistan

Civilian casualty tracking systems have been put in place to analyse trends and inform advocacy. In Yemen, casualty figures were used by the UN in public advocacy and are believed to have contributed to lifting the siege of the port of Hodeidah, while in Afghanistan, such systems led to a decrease in civilian casualties from pro-government airstrikes.

Iraq

During the conflict in Mosul, UNHCR and NGO partners documented protection concerns raised by populations on the move, including the disappearance of men and boys as young as 9, which were channelled to the CMCoord for discussion with coalition forces and pro-government militias.

Syria

The Humanitarian Military Coordination Cell was used to channel protection concerns from the Syria Protection Sector to the Coalition Forces.

Democratic Republic of the Congo

The Protection Cluster briefs the UN peacekeeping mission on any new trends observed through their work with the IDP community (using a protection risk matrix) and the Joint Protection Teams identify communities that “Must-Should-Could” be protected. Based on this information, the local commander can then step up the peacekeeping presence in areas of high risk.

Central African Republic

The Protection Cluster developed a “hot-spot matrix”, which mapped out areas according to the level of violence against civilians (reported incidents). The matrix was then used to advocate with the UN forces for additional military and police patrols in high-risk areas. This led to enhanced patrols and enhanced the communities’ subjective sense of security (measured through surveys). It also resulted in the UN forces establishing a temporary field presence in an area not previously covered.
• UNHCR, in particular, provides advice and support on incorporating international law into national law and policies, and runs training on international human rights law, refugee law and IHL.

As multiple agencies engage in capacity building, it is important that they cooperate and coordinate to ensure consistent messaging.

**5.6.4 Supporting community-based conflict resolution and protection strategies**

Essential protection tasks for UNHCR and other humanitarian agencies include:

- working with displaced communities and other affected populations;
- understanding the dynamics and structures within the community;
- building on the capacities and strengths of community members to find solutions.

UN actors, including UN peace operations, human rights, humanitarian and development actors, can contribute to peaceful coexistence by:

- strengthening social cohesion;
- reducing communal tensions;
- fostering dialogue between communities.

This can include support for community-based:

- conflict resolution mechanisms;
- mediation mechanisms;
- self-protection strategies;
- coping mechanisms.\(^{37}\)

For UNHCR, such activities focus mainly on displaced populations and peaceful coexistence between them and hosting communities.

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5.6.5 Creating a protective environment through the rule of law

Creating a protective environment is both one of the aims of humanitarian protection and one of its prerequisites.

Promoting the rule of law helps to create a protective environment. This involves various UN agencies and complements such activities as conflict prevention, conflict resolution and peacebuilding.

Activities under this heading include:

- disarmament, demobilization and reintegration (DDR) or related programmes;
- security and rule-of-law sector reforms;
- capacity building on law and policymaking, including the development of legislation;
- advocacy for ratification of treaties, and adoption and implementation of national law and policy.

All these efforts strengthen the national judicial system and complement the efforts of other UN organizations regarding the rule of law. Furthermore, such activities can form part of the peace continuum, as they may well have preventive and peacebuilding effects.

UNHCR supports governments’ efforts to develop and implement laws and policies on displacement, advocates for the ratification of treaties, and supports legal aid and judicial interventions for persons of concern.

5.6.6 Enabling freedom of movement

Protection monitoring and the presence of protection actors can contribute to freedom of movement for affected populations.

On occasion, achieving freedom of movement may require measures of last resort such as humanitarian evacuations (see 6 Humanitarian evacuations). Normally, no single organization has the capacity and access to organize a humanitarian evacuation on its own. While humanitarian agencies such as UNHCR may have the necessary contacts with affected communities to determine whether a humanitarian evacuation is required, a multi-agency response will be needed to actually carry out an evacuation, with strong commitment from various actors.

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38 On humanitarian evacuations, see 6 Humanitarian evacuations.
5.6.7 Maintaining the civilian character of IDP/refugee camps and settlements

The principle of the civilian and humanitarian character of camps and settlements hosting refugees and internally displaced persons is founded in the UN Charter, international refugee law, human rights law, and IHL, and has been reiterated by the UN Security Council and General Assembly. It forms part of the protection of civilians, and poses a major protection challenge in conflict settings.

For further information on this topic, see 7 The civilian and humanitarian character of sites and settlements.

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Get informed

- Read about how IHL protects civilians during armed conflicts in How Does Law Protect in War? Vol. I, Chapter 8, “The Protection of Civilians”.
- Follow the links on the page above to any IHL instruments or entries in the Customary International Humanitarian Law database that could be relevant to your work.
- Refer to the relevant sources under “Further references and guidance” below.

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39 Operational Guidelines on the Civilian and Humanitarian Character of Asylum, UNHCR, 2006. See also 7 The civilian and humanitarian character of sites and settlements, and Armed Conflict and Displacement.

### 5.7 Checklist: Key actions for UNHCR operations

<table>
<thead>
<tr>
<th>Action</th>
<th>Practical examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work with the Humanitarian Country Team (HCT) and UN peace operations to support and advise on the protection of displaced populations.</td>
<td>• Develop a protection matrix that will help peacekeepers in prioritizing areas of risk.</td>
</tr>
<tr>
<td></td>
<td>• Produce advocacy notes for the HCT, highlighting protection risks in the country.</td>
</tr>
<tr>
<td></td>
<td>• Work with the HCT and the UN peace operation to develop a Protection of Civilians Strategy.</td>
</tr>
<tr>
<td>Conduct regular protection monitoring of conflict-affected populations, and identify and document protection risks and rights violations.</td>
<td>• Monitor prisons and other places where civilians are held.</td>
</tr>
<tr>
<td></td>
<td>• Monitor borders.</td>
</tr>
<tr>
<td></td>
<td>• Carry out community-based protection work in urban areas, and in sites and settlements hosting displaced populations.</td>
</tr>
<tr>
<td>Help IDP and conflict-affected communities to protect themselves.</td>
<td>• Set up early warning systems.</td>
</tr>
<tr>
<td></td>
<td>• Support community initiatives such as community policing and mobile courts.</td>
</tr>
<tr>
<td>Encourage State and non-State weapon bearers to fulfil their obligations under IHRL and IHL.</td>
<td>• Organize training and capacity-building activities.</td>
</tr>
<tr>
<td></td>
<td>• Engage in protection dialogue with non-State armed groups.</td>
</tr>
<tr>
<td></td>
<td>• Collaborate with the ICRC and other agencies on key messages, when appropriate.</td>
</tr>
<tr>
<td>Maintain the civilian and humanitarian character of sites and settlements, and seek to minimize risks if weapon bearers are already present.</td>
<td>• Advocate for adequate security measures in areas hosting displaced populations (whether urban or camps/settlements).</td>
</tr>
<tr>
<td></td>
<td>• Advocate for the identification and separation of fighters/combatants, disarmament and weapons searches by the host State, and, if relevant, UN police or UN military personnel.</td>
</tr>
<tr>
<td></td>
<td>• Implement the recommendations contained in <a href="#">7.5 How can we maintain the civilian and humanitarian character of sites?</a>.</td>
</tr>
</tbody>
</table>
5.8 Further references and guidance

1. IHL texts

a) Protection of civilians in general


- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AA0C5BCBABB5C4A85C12563CD002D6D09&action=openDocument, especially Art. 4, which states that “All persons who do not take a direct part or who have ceased to take part in hostilities, [...] shall in all circumstances be treated humanely” and sets out a list of “fundamental guarantees”, effectively prohibiting such acts as murder, rape and pillage.

The links above are for the ICRC’s article-by-article database. The four Geneva Conventions and their Additional Protocols are also available for download in PDF format and for purchase in print form:


b) Protection of women

c) Protection of children

- AP I, Art. 77

- AP I, Art. 78

2. Other references


  
  [https://casebook.icrc.org/topics/civilian-population](https://casebook.icrc.org/topics/civilian-population).

  - Online version: [https://casebook.icrc.org/](https://casebook.icrc.org/).