

# International legal framework for the protection of healthcare during armed conflicts

## Relevant sources

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### *International Humanitarian Law*

#### **Treaty Law**

- Common art. 3 to the Geneva Conventions: Conflicts not of an international character

[Convention \(I\) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949](#)

#### **Chapter II : Wounded and sick**

- Art. 12: Protection and care
- Art. 15: Search for casualties. Evacuation
- Art. 18: Role of the population

#### **Chapter III : Medical units and establishments**

- Art. 19: Protection
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#### **Chapter IV: Personnel**

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#### **Chapter V: Buildings and material**

- Art. 35: Protection
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- Art. 40: Identification of medical and religious personnel
- Art. 41: Identification of auxiliary personnel
- Art. 42: Marking of medical units and establishments
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- Art. 44: Restrictions in the use of the emblem. Exceptions

#### **Chapter IX : Repression of abuses and infractions**

- Art. 50: Penal sanctions II. Grave breaches
- Art. 54: Prevention of misuse

[Convention \(II\) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949](#)

### **Chapter II : Wounded, sick and shipwrecked**

- Art. 12: Protection and care
- Art. 18: Search for casualties after an engagement
- Art. 21: Appeals to neutral vessels

### **Chapter III: Hospital ships**

- Art. 22: Notification and protection of military hospital ships
- Art. 23: Protection of medical establishments ashore
- Art. 24: Hospital ships utilized by relief societies and private individuals of I. Parties to the conflict
- Art. 25: Hospital ships utilized by relief societies and private individuals of II. Neutral countries
- Art. 26: Tonnage
- Art. 27: Coastal rescue craft
- Art. 28: Protection of sick-bays
- Art. 29: Hospital ships in occupied ports
- Art. 30: Employment of hospital ships and small craft
- Art. 31: Right of control and search
- Art. 32: Stay in a neutral port
- Art. 33: Converted merchant vessels
- Art. 34: Discontinuance of protection
- Art. 35: Conditions not depriving hospital ships of protection

### **Chapter IV: Personnel**

- Art. 36: Protection of the personnel of hospital ships
- Art. 37: Medical and religious personnel of other ships
- Art. 39: Medical aircraft

### **Chapter VI: The distinctive emblem**

- Art. 41: Use of the emblem
- Art. 42: Identification of medical and religious personnel
- Art. 43: Marking of hospital ships and small craft
- Art. 44: Limitation in the use of markings

[Convention \(IV\) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949](#)

**Part I: General provisions**

- Art 14: Hospital and safety zones and localities
- Art 15: Neutralized zones
- Art 16: Wounded and sick I. General protection
- Art 17: Wounded and sick II. Evacuation
- Art 18: Wounded and sick III. Protection of hospitals
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- Art 20: Wounded and sick V. Hospital staff
- Art 21: Wounded and sick VI. Land and sea transport
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**Part III: Status and treatment of protected persons**

**Section III : Occupied territories**

- Art. 55: Food and medical supplies for the population
- Art. 56: Hygiene and public health

[Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts \(Protocol I\), 8 June 1977](#)

**Part II: Wounded, sick and shipwrecked**

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**Section II: Medical transportation Commentary of 1987**

- Art. 21: Medical vehicles
- Art. 22: Hospitals ships and coastal rescue craft
- Art. 23: Other medical ships and craft
- Art. 24: Protection of medical aircraft
- Art. 25: Medical aircraft in areas not controlled by an adverse Party
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#### **Part IV: Civilian population**

##### **Section II: Relief in favour of the civilian population**

- Art. 70: Relief actions

[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](#)

#### **Part I: Scope of this protocol**

- Art. 2: Personal field of application

#### **Part III: Wounded, sick and shipwrecked**

- Art. 7: Protection and care
- Art. 8: Search
- Art. 9: Protection of medical and religious personnel
- Art. 10: General protection of medical duties
- Art. 11: Protection of medical units and transports
- Art. 12: The distinctive emblem

#### **Part IV: Civilian population**

- Art. 18 Relief societies and relief actions

[Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem \(Protocol III\), 8 December 2005](#)

#### **Preamble**

- Art. 2: Distinctive emblems

#### **Customary Law**

[ICRC, Customary International Law Database](#)

#### **II. Specifically Protected Persons and Objects**

- Rule 25: Medical Personnel
- Rule 26: Medical Activities
- Rule 27: Religious Personnel
- Rule 28: Medical Units
- Rule 29: Medical Transports
- Rule 30: Persons and Objects Displaying the Distinctive Emblem

### **III. Specific Methods of Warfare**

- Rule 55: Access for Humanitarian Relief to Civilians in Need
- Rule 56: Freedom of Movement of Humanitarian Relief Personnel

### **V. Treatment of Civilians and Persons Hors de Combat**

- Rule 109: Search for, Collection and Evacuation of the Wounded, Sick and Shipwrecked
- Rule 110: Treatment and Care of the Wounded, Sick and Shipwrecked
- Rule 111: Protection of the Wounded, Sick and Shipwrecked against Pillage and Ill-Treatment

## ***International Human Rights Law***

Universal Declaration of Human Rights, 10 December 1948.

- Art. 25 (right to health)

International Covenant on Civil and Political Rights, 16 December 1966.

- Art. 3 (non-discrimination)
- Art. 4 (non-derogation)
- Art. 6 (right to life)
- Art. 7 (cruel, inhuman or degrading treatment)

International Covenant on Economic, Social and Cultural Rights, 16 December 1966.

- Art. 3 (non-discrimination)
- Art. 4 (limitations)
- Art. 5 (non-derogation)
- Art 12 (right to health)

Constitution of the World Health Organization as adopted by the International Health Conference, New York, 19 June - 22 July 1946

## ***Medical ethics***

International Code of Medical Ethics (1949, last revised in 2006)

Declaration of Geneva (1948, last revised in 2006)

Regulations in Times of Armed Conflict (1956, last revised in 2006)

## Text of the main provisions<sup>1</sup>

### Geneva Conventions - Common Art 3. Conflicts not of an international character

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

[...]

(2) The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

[...]

## Geneva Convention I

### Art 12. Protection and care

Members of the armed forces and other persons mentioned in the following Article [13], who are wounded or sick, shall be respected and protected in all circumstances. They shall be treated humanely and cared for by the Party to the conflict in whose power they may be, without any adverse distinction founded on sex, race, nationality, religion, political opinions, or any other similar criteria. Any attempts upon their lives, or violence to their persons, shall be strictly prohibited; in particular, they shall not be murdered or exterminated, subjected to torture or to biological experiments; they shall not wilfully be left without medical assistance and care, nor shall conditions exposing them to contagion or infection be created.

Only urgent medical reasons will authorize priority in the order of treatment to be administered. Women shall be treated with all consideration due to their sex.

The Party to the conflict which is compelled to abandon wounded or sick to the enemy shall, as far as military considerations permit, leave with them a part of its medical personnel and material to assist in their care.

*NB: GC II, Art 12 is the corresponding provision.*

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<sup>1</sup> Organised by source.

#### Art 15. Search for casualties. Evacuation

At all times, and particularly after an engagement, Parties to the conflict shall, without delay, take all possible measures to search for and collect the wounded and sick, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead and prevent their being despoiled.

Whenever circumstances permit, an armistice or a suspension of fire shall be arranged, or local arrangements made, to permit the removal, exchange and transport of the wounded left on the battlefield.

Likewise, local arrangements may be concluded between Parties to the conflict for the removal or exchange of wounded and sick from a besieged or encircled area, and for the passage of medical and religious personnel and equipment on their way to that area.

*NB: GC II, Art 18 is the corresponding provisions.*

#### Art 18. Role of the population

The military authorities may appeal to the charity of the inhabitants voluntarily to collect and care for, under their direction, the wounded and sick, granting persons who have responded to this appeal the necessary protection and facilities. Should the adverse party take or retake control of the area, he shall likewise grant these persons the same protection and the same facilities.

The military authorities shall permit the inhabitants and relief societies, even in invaded or occupied areas, spontaneously to collect and care for wounded or sick of whatever nationality. The civilian population shall respect these wounded and sick, and in particular abstain from offering them violence.

No one may ever be molested or convicted for having nursed the wounded or sick.

The provisions of the present Article do not relieve the occupying Power of its obligation to give both physical and moral care to the wounded and sick.

#### Art 19. Protection

Fixed establishments and mobile medical units of the Medical Service may in no circumstances be attacked, but shall at all times be respected and protected by the Parties to the conflict. Should they fall into the hands of the adverse Party, their personnel shall be free to pursue their duties, as long as the capturing Power has not itself ensured the necessary care of the wounded and sick found in such establishments and units.

The responsible authorities shall ensure that the said medical establishments and units are, as far as possible, situated in such a manner that attacks against military objectives cannot imperil their safety.

*NB: See also GC I, Arts. 24-26; GC II, Arts. 23 and 36.*

#### Art 22. Conditions not depriving medical units and establishments of protection

The following conditions shall not be considered as depriving a medical unit or establishment of the protection guaranteed by Article 19:

- (1) That the personnel of the unit or establishment are armed, and that they use the arms in their own defence, or in that of the wounded and sick in their charge.
- (2) That in the absence of armed orderlies, the unit or establishment is protected by a picket or by sentries or by an escort.
- (3) That small arms and ammunition taken from the wounded and sick and not yet handed to the proper service, are found in the unit or establishment.
- (4) That personnel and material of the veterinary service are found in the unit or establishment, without forming an integral part thereof.
- (5) That the humanitarian activities of medical units and establishments or of their personnel extend to the care of civilian wounded or sick.

#### Art 23. Hospital zones and localities

In time of peace, the High Contracting Parties and, after the outbreak of hostilities, the Parties to the conflict, may establish in their own territory and, if the need arises, in occupied areas, hospital zones and localities so organized as to protect the wounded and sick from the effects of war, as well as the personnel entrusted with the organization and administration of these zones and localities and with the care of the persons therein assembled.

Upon the outbreak and during the course of hostilities, the Parties concerned may conclude agreements on mutual recognition of the hospital zones and localities they have created. They may for this purpose implement the provisions of the Draft Agreement annexed to the present Convention, with such amendments as they may consider necessary.

The Protecting Powers and the International Committee of the Red Cross are invited to lend their good offices in order to facilitate the institution and recognition of these hospital zones and localities.

*NB: GC IV, art. 14 is the corresponding provision*

#### Art 35. Protection

Transports of wounded and sick or of medical equipment shall be respected and protected in the same way as mobile medical units.

Should such transports or vehicles fall into the hands of the adverse Party, they shall be subject to the laws of war, on condition that the Party to the conflict who captures them shall in all cases ensure the care of the wounded and sick they contain.

The civilian personnel and all means of transport obtained by requisition shall be subject to the general rules of international law.

#### Art 39. Use of the emblem

Under the direction of the competent military authority, the emblem shall be displayed on the flags, armlets and on all equipment employed in the Medical Service.

*NB: See also AP I, art. 18 and AP II, art. 12.*

#### Art 42. Marking of medical units and establishments

The distinctive flag of the Convention shall be hoisted only over such medical units and establishments as are entitled to be respected under the Convention, and only with the consent of the military authorities.

In mobile units, as in fixed establishments, it may be accompanied by the national flag of the Party to the conflict to which the unit or establishment belongs.

Nevertheless, medical units which have fallen into the hands of the enemy shall not fly any flag other than that of the Convention.

Parties to the conflict shall take the necessary steps, in so far as military considerations permit, to make the distinctive emblems indicating medical units and establishments clearly visible to the enemy land, air or naval forces, in order to obviate the possibility of any hostile action.

#### Art 44. Restrictions in the use of the emblem. Exceptions

With the exception of the cases mentioned in the following paragraphs of the present Article, the emblem of the Red Cross on a white ground and the words "Red Cross", or "Geneva Cross" may not be employed, either in time of peace or in time of war, except to indicate or to protect the medical units and establishments, the personnel and material protected by the present Convention and other Conventions dealing with similar matters. The same shall apply to the emblems mentioned in Article 38, second paragraph, in respect of the countries which use them. The National Red Cross Societies and other Societies designated in Article 26 shall have the right to use the distinctive emblem conferring the protection of the Convention only within the framework of the present paragraph.

Furthermore, National Red Cross (Red Crescent, Red Lion and Sun) Societies may, in time of peace, in accordance with their national legislation, make use of the name and emblem of the Red Cross for their other activities which are in conformity with the principles laid down by the International Red Cross Conferences. When those activities are carried out in time of war, the conditions for the use of the emblem shall be such that it cannot be considered as conferring the protection of the Convention; the emblem shall be comparatively small in size and may not be placed on armlets or on the roofs of buildings.

The international Red Cross organizations and their duly authorized personnel shall be permitted to make use, at all times, of the emblem of the Red Cross on a white ground.

As an exceptional measure, in conformity with national legislation and with the express permission of one of the National Red Cross (Red Crescent, Red Lion and Sun) Societies, the emblem of the Convention may be employed in time of peace to identify vehicles used as ambulances and to mark the position of aid stations exclusively assigned to the purpose of giving free treatment to the wounded or sick.

#### Geneva Convention I - Art 50. Penal sanctions II. Grave breaches

Grave breaches to which the preceding Article[ [Link](#) ] relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

*NB: GC I, art. 5, GC III, art. 130 and GC IV, art. 147 are the corresponding provisions.*

### **Geneva Convention IV**

#### Art 16. Wounded and sick I. General protection

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

#### Art 18. Wounded and sick III. Protection of hospitals

Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict.

States which are Parties to a conflict shall provide all civilian hospitals with certificates showing that they are civilian hospitals and that the buildings which they occupy are not used for any purpose which would deprive these hospitals of protection in accordance with Article 19.

Civilian hospitals shall be marked by means of the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, but only if so authorized by the State.

The Parties to the conflict shall, in so far as military considerations permit, take the necessary steps to make the distinctive emblems indicating civilian hospitals clearly visible to the enemy land, air and naval forces in order to obviate the possibility of any hostile action.

In view of the dangers to which hospitals may be exposed by being close to military objectives, it is recommended that such hospitals be situated as far as possible from such objectives.

#### Art 20. Wounded and sick V. Hospital staff

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected.

In occupied territory and in zones of military operations, the above personnel shall be recognisable by means of an identity card certifying their status, bearing the photograph of the holder and embossed with the stamp of the responsible authority, and also by means of a stamped, water-resistant armband which they shall wear on the left arm while carrying out their duties. This armband shall be issued by the State and shall bear the emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

Other personnel who are engaged in the operation and administration of civilian hospitals shall be entitled to respect and protection and to wear the armband, as provided in and under the conditions prescribed in this Article, while they are employed on such duties. The identity card shall state the duties on which they are employed.

The management of each hospital shall at all times hold at the disposal of the competent national or occupying authorities an up-to-date list of such personnel.

#### Art 21. Wounded and sick VI. Land and sea transport

Convoys of vehicles or hospital trains on land or specially provided vessels on sea, conveying wounded and sick civilians, the infirm and maternity cases, shall be respected and protected in the same manner as the hospitals provided for in Article 18, and shall be marked, with the consent of the State, by the display of the distinctive emblem provided for in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949.

*NB: See also AP I, art. 21.*

### **Additional Protocol I**

#### Art 8. Terminology

For the purposes of this Protocol:

a) "Wounded" and "sick" mean persons, whether military or civilian, who, because of trauma, disease or other physical or mental disorder or disability, are in need of medical assistance or care and who refrain from any act of hostility. These terms also cover maternity cases, newborn babies and other persons who may be in need of immediate medical assistance or care, such as the infirm or expectant mothers, and who refrain from any act of hostility;

[...]

c) "Medical personnel" means those persons assigned, by a Party to the conflict, exclusively to the medical purposes enumerated under e) or to the administration of medical units or to the operation or administration of medical transports. Such assignments may be either permanent or temporary. The term includes:

i) medical personnel of a Party to the conflict, whether military or civilian, including those described in the First and Second Conventions, and those assigned to civil defence organizations;

ii) medical personnel of national Red Cross (Red Crescent, Red Lion and Sun) Societies and other national voluntary aid societies duly recognized and authorized by a Party to the conflict;

iii) medical personnel or medical units or medical transports described in Article 9, paragraph 2.

[...]

e) "Medical units" means establishments and other units, whether military or civilian, organized for medical purposes, namely the search for, collection, transportation, diagnosis or treatment - including first-aid treatment - of the wounded, sick and shipwrecked, or for the prevention of disease. The term includes for example, hospitals and other similar units, blood transfusion centres, preventive medicine centres and institutes, medical depots and the medical and pharmaceutical stores of such units. Medical units may be fixed or mobile, permanent or temporary;

[...]

Art 10. Protection and care
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1. All the wounded, sick and shipwrecked, to whichever Party they belong, shall be respected and protected.

2. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

Art 12. Protection of medical units
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1. Medical units shall be respected and protected at all times and shall not be the object of attack.
2. Paragraph 1 shall apply to civilian medical units, provided that they:
  - (a) belong to one of the Parties to the conflict;
  - (b) are recognized and authorized by the competent authority of one of the Parties to the conflict; or
  - (c) are authorized in conformity with Article 9, paragraph 2, of this Protocol or Article 27 of the First Convention.
3. The Parties to the conflict are invited to notify each other of the location of their fixed medical units. The absence of such notification shall not exempt any of the Parties from the obligation to comply with the provisions of paragraph 1.
4. Under no circumstances shall medical units be used in an attempt to shield military objectives from attack. Whenever possible, the Parties to the conflict shall ensure that medical units are so sited that attacks against military objectives do not imperil their safety.

Art 13. Discontinuance of protection of civilian medical units
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1. The protection to which civilian medical units are entitled shall not cease unless they are used to commit, outside their humanitarian function, acts harmful to the enemy. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded.
2. The following shall not be considered as acts harmful to the enemy:
  - (a) that the personnel of the unit are equipped with light individual weapons for their own defence or for that of the wounded and sick in their charge;
  - (b) that the unit is guarded by a picket or by sentries or by an escort;
  - (c) that small arms and ammunition taken from the wounded and sick, and not yet handed to the proper service, are found in the units;
  - (d) that members of the armed forces or other combatants are in the unit for medical reasons.

Art 15. Protection of civilian medical and religious personnel
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1. Civilian medical personnel shall be respected and protected.
2. If needed, all available help shall be afforded to civilian medical personnel in an area where civilian medical services are disrupted by reason of combat activity.
3. The Occupying Power shall afford civilian medical personnel in occupied territories every assistance to enable them to perform, to the best of their ability, their humanitarian functions.

The Occupying Power may not require that, in the performance of those functions, such personnel shall give priority to the treatment of any person except on medical grounds. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission.

4. Civilian medical personnel shall have access to any place where their services are essential, subject to such supervisory and safety measures as the relevant Party to the conflict may deem necessary.

5. Civilian religious personnel shall be respected and protected. The provisions of the Conventions and of this Protocol concerning the protection and identification of medical personnel shall apply equally to such persons.

#### Art 16. General protection of medical duties

1. Under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.

2. Persons engaged in medical activities shall not be compelled to perform acts or to carry out work contrary to the rules of medical ethics or to other medical rules designed for the benefit of the wounded and sick or to the provisions of the Conventions or of this Protocol, or to refrain from performing acts or from carrying out work required by those rules and provisions.

3. No person engaged in medical activities shall be compelled to give to anyone belonging either to an adverse Party, or to his own Party except as required by the law of the latter Party, any information concerning the wounded and sick who are, or who have been, under his care, if such information would, in his opinion, prove harmful to the patients concerned or to their families. Regulations for the compulsory notification of communicable diseases shall, however, be respected.

*NB: AP II, art. 10 is the corresponding provision for NIACs.*

#### Art 70. Relief actions

1. If the civilian population of any territory under the control of a Party to the conflict, other than occupied territory, is not adequately provided with the supplies mentioned in Article 69, relief actions which are humanitarian and impartial in character and conducted without any adverse distinction shall be undertaken, subject to the agreement of the Parties concerned in such relief actions. [...].

2. The Parties to the conflict and each High Contracting Party shall allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel provided in accordance with this Section, even if such assistance is destined for the civilian population of the adverse Party.

3. The Parties to the conflict and each High Contracting Party which allow the passage of relief consignments, equipment and personnel in accordance with paragraph 2:

(a) shall have the right to prescribe the technical arrangements, including search, under which such passage is permitted;

(b) may make such permission conditional on the distribution of this assistance being made under the local supervision of a Protecting Power;

(c) shall, in no way whatsoever, divert relief consignments from the purpose for which they are intended nor delay their forwarding, except in cases of urgent necessity in the interest of the civilian population concerned.

4. The Parties to the conflict shall protect relief consignments and facilitate their rapid distribution.

[...]

*NB: See also GC IV, art. 23.*

## **Additional Protocol II**

### **Art 7. Protection and care**

1. All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected.

2. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.

### **Art 8. Search**

Whenever circumstances permit, and particularly after an engagement, all possible measure shall be taken, without delay, to search for and collect the wounded, sick and shipwrecked, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead, prevent their being despoiled, and decently dispose of them.

### **Art 9. Protection of medical and religious personnel**

1. Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission.

2. In the performance of their duties medical personnel may not be required to give priority to any person except on medical grounds.

#### Art 11. Protection of medical units and transports

1. Medical units and transports shall be respected and protected at all times and shall not be the object of attack.
2. The protection to which medical units and transports are entitled shall not cease unless they are used to commit hostile acts, outside their humanitarian function. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable timelimit, and after such warning has remained unheeded.

#### Art 12. The distinctive emblem

Under the direction of the competent authority concerned, the distinctive emblem of the red cross, red crescent or red lion and sun on a white ground shall be displayed by medical and religious personnel and medical units, and on medical transports. It shall be respected in all circumstances. It shall not be used improperly.

#### Art 18. Relief societies and relief actions

1. Relief societies located in the territory of the High Contracting Party, such as Red Cross (Red Crescent, Red Lion and Sun) organizations, may offer their services for the performance of their traditional functions in relation to the victims of the armed conflict. The civilian population may, even on its own initiative, offer to collect and care for the wounded, sick and shipwrecked.
2. If the civilian population is suffering undue hardship owing to a lack of the supplies essential for its survival, such as foodstuffs and medical supplies, relief actions for the civilian population which are of an exclusively humanitarian and impartial nature and which are conducted without any adverse distinction shall be undertaken subject to the consent of the High Contracting Party concerned.

## **CIHL**

#### Rule 25. Medical personnel

Medical personnel exclusively assigned to medical duties must be respected and protected in all circumstances. They lose their protection if they commit, outside their humanitarian function, acts harmful to the enemy.

#### Rule 28. Medical units

Medical units exclusively assigned to medical purposes must be respected and protected in all circumstances. They lose their protection if they are being used, outside their humanitarian function, to commit acts harmful to the enemy.

Rule 29. Medical transports

Medical transports assigned exclusively to medical transportation must be respected and protected in all circumstances. They lose their protection if they are being used, outside their humanitarian function, to commit acts harmful to the enemy.

Rule 35. Hospital and Safety Zones and Neutralized Zones

Directing an attack against a zone established to shelter the wounded, the sick and civilians from the effects of hostilities is prohibited.

Rule 55. Access for Humanitarian Relief to Civilians in Need

The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control.

Rule 56. Freedom of Movement of Humanitarian Relief Personnel

The parties to the conflict must ensure the freedom of movement of authorized humanitarian relief personnel essential to the exercise of their functions. Only in case of imperative military necessity may their movements be temporarily restricted.

Rule 109. Search for, Collection and Evacuation of the Wounded, Sick and Shipwrecked

Whenever circumstances permit, and particularly after an engagement, each party to the conflict must, without delay, take all possible measures to search for, collect and evacuate the wounded, sick and shipwrecked without adverse distinction.

Rule 110. Treatment and Care of the Wounded, Sick and Shipwrecked

The wounded, sick and shipwrecked must receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. No distinction may be made among them founded on any grounds other than medical ones.

Rule 111. Protection of the Wounded, Sick and Shipwrecked against Pillage and Ill-Treatment

Each party to the conflict must take all possible measures to protect the wounded, sick and shipwrecked against ill-treatment and against pillage of their personal property.

## **International Human Rights Law**

### **Universal Declaration of Human Rights – Art. 25**

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

### **International Covenant on Economic, Social and Cultural Rights – Art. 4**

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

### **International Covenant on Economic, Social and Cultural Rights - Art. 12**

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

**Protected Zones According to  
International Humanitarian Law**

		<b>International</b>						<b>Non International</b>
<b>Armed Conflict</b>								
<b>Legal Basis</b>		GC I, Article 23 GC II, Annex I	GC IV, Article 14 GC IV, Annex I	GC IV, Article 15	P I, Article 59	P I, Article 60	GC IV, common Article 3(3)	
<b>Terminology</b>		Hospital zones and localities	Hospital and safety zones and localities	Neutralized zones	Non-defended localities	Demilitarized zones	"Neutralized zones"	
<b>Categories of Protected Persons</b>		Sick, wounded, and related personnel	Specific categories of civilians: wounded, sick, aged persons, children under 15, expectant mothers and mothers of children under 7	All civilians who do not take part in the hostilities and wounded and sick combatants	Civilian population (in its place of residence)	Civilian population (in its place of residence)	Civilian population	
<b>Modality of Creation</b>		Written agreement between the Parties or unilateral declaration with recognition of the opposing party	Written agreement between the Parties or unilateral declaration with recognition of the opposing party	Written agreement between the Parties	Notification to the opposing Party (or <i>ad hoc</i> agreement if not all conditions satisfied)	Express agreement	Agreement between the Parties  Practice of the ICRC	
<b>Characteristics: - location - time-frame</b>		Distant from the front  Durable	Distant from the front  Durable	Inside the combat zone  Provisional	Near or inside the combat zone; Open to occupation; Military personnel and equipment evacuated	Prohibition to extend military operations to such zones	By analogy with the principles of GC IV, Article 15	
<b>Markings</b>		Red cross/crescent	Oblique red bands on white ground	To be defined	To be agreed upon by the Parties	To be agreed upon by the Parties	Red cross emblem (if under authority of the ICRC)	

