Resolution 904 (1988)[1]

Protection of humanitarian medical missions

Parliamentary Assembly

The Assembly,

1. Convinced that every human being should be entitled to be cared for by medical personnel offering guarantees of competence and impartiality ;

2. Considering that this expectation derives from the right to life and the right to health as guaranteed by several international legal instruments ;

3. Believing that the unrestricted exercise of the right to care implies a duty of solidarity among all states of the world, particularly a duty to co-operate in accordance with the Charter of the United Nations ;

4. Anxious to support the various humanitarian medical organisations which have set themselves the task of assisting afflicted civilian populations throughout the world in a neutral and impartial way ;

5. Being aware that the personnel of medical missions operating in countries in a state of strife (civil war, armed conflict) are often exposed to dangers (abduction, detention, murder) which jeopardise their ability to provide medical assistance as well as their physical safety ;

6. Considering that the dangerous circumstances in which these medical missions operate have highlighted the insufficiency of organised international protection for medical personnel belonging to non-governmental organisations ;

7. Wishing to support the efforts being made in particular by the International Humanitarian Centre (IHC) in Paris to improve the legal protection of medical missions ;

8. Considering that the work of these medical missions is complementary to the invaluable humanitarian activities carried out by or under the auspices of the International Committee of the Red Cross (ICRC) ;

9. Underlining the necessity for such medical missions not to take any action which might be detrimental to the ICRC's work, and urging these missions to refrain from using the ICRC's emblem (the red cross or the red crescent) for non-medical activities, and without the consent and supervision of the authorities controlling the territory, so as not to diminish the protective value of this emblem ;

10. Bearing in mind that the Additional Protocols (1977) to the Geneva Conventions (12 August 1949) afford protection to medical personnel intervening in conflicts of a non-international character, and sincerely hoping that these protocols will soon be ratified by all the states of the world ;

11. Emphasising, however, that :

a. the protected status provided for in these texts applies solely to medical personnel working under the aegis of the International Committee of the Red Cross (ICRC) and to personnel employed by a state ;

b. these protocols have not yet been accepted by all countries and therefore are not in force everywhere in the world ;

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1. See Doc. 5900, report of the Legal Affairs Committee, Rapporteur : Sir Dudley Smith. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 30 June 1988.

c. the application of these texts does not always cover cases of internal conflict not recognised by the legal government in whose territory the medical personnel of non-governmental organisations operate with increasing frequency ;

12. Having regard to its Recommendations 714 (1973) and 945 (1982), on international humanitarian law, and its Resolutions 823 (1984) and 881 (1987) on the activities of the International Committee of the Red Cross (ICRC) ;

13. Wishing that a charter for the protection of medical missions be drawn up in the United Nations and thus be given the same universal recognition as the Geneva Conventions of 1949 and their Additional Protocols of 1977,

14. Earnestly calls upon all states of the world to respect :

a. the right of all civilian populations to be cared for by medical personnel offering guarantees of competence and impartiality ;

b. the right of medical personnel to be protected during their missions in the manner specified in the appendix hereto ;

15. Instructs its President to forward this resolution to the Secretary General of the United Nations in support of any action to improve the protection of humanitarian medical missions.

Appendix

The rights of medical personnel on mission are as follows :

1. Medical personnel must be protected and respected. They may not be punished or molested for having engaged in medical activity, whoever the beneficiaries of such care may be.
2. Medical personnel must be afforded access to all places where medical care is needed.
3. No member of a medical staff may be compelled to provide information concerning the persons to whom he has given assistance, with the exception of information concerning contagious diseases.
4. If a member of a medical staff is, on account of his medical activities, arrested by the authorities of the territory in which he is carrying out his mission or by a party opposed to such authorities, he must be released and repatriated without delay.

These rights are accompanied by the following obligations on the part of medical personnel :

1. Medical personnel providing assistance must scrupulously respect the rules of medical ethics and may not refrain from performing acts required by these rules.
2. The assistance provided must be based on purely medical criteria of a humanitarian kind.
3. The wishes of persons receiving care must be respected.
4. Medical personnel must offer guarantees of competence and impartiality. They must be identifiable. For this purpose they may carry a professional card issued by an international body such as the International Humanitarian Centre (IHC) in Paris or any other health organisation expressly designated and accredited to such international organisations as the United Nations, the World Health Organisation or the Council of Europe.