

Introduction to Medical Neutrality

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Table of Contents

- 1 Definition
- 2 Duties and Obligations
- 3 Pending U.S. Legislation
- 3 PHR's Reporting on Violations of Medical Neutrality

When armed forces bomb hospitals, attack ambulances, and target healthcare providers, the effect on the sick and injured is devastating.

Physicians for Human Rights (PHR) promotes medical neutrality – the principle of noninterference with medical services in times of armed conflict and civil unrest.

When medical neutrality is violated, PHR documents the deliberate targeting of health care systems and personnel and advocates accountability for violators.

Definition

Medical neutrality requires:

1. The protection of medical personnel, patients, facilities, and transport from attack or interference;
2. Unhindered access to medical care and treatment;
3. The humane treatment of all civilians; and
4. Nondiscriminatory treatment of the sick and injured.

Plastic surgeon Sadek al-Karim recovers from his injuries at Salmaniya Medical Complex on February 20, 2011 in Manama, Bahrain. Al-Karim was severely beaten by police while he was trying to attend to injured protesters when security forces cleared the Pearl roundabout.
Photo: John Moore/Getty Images



A physician's ethical responsibility during time of war is identical to that during time of peace.

Duties and Obligations

Although often overlooked as a human rights violation, medical neutrality has a strong foundation in international law.

Medical Ethics

Doctors have an ethical responsibility to prevent illness and care for the wounded and sick without regard to politics, race, or religion. These ethics date back at least 2,300 years and include varied cultural and religious traditions. The laws of war protect the sick and wounded in times of armed conflict, and oblige doctors to provide them with neutral and ethical care. A physician's ethical responsibility during time of war is identical to that during time of peace.

Attacks on medical professionals prevent them from providing unbiased care to those in need. The World Medical Association's International Code of Medical Ethics and Medical Ethics Manual describe the duties of physicians, which include administering emergency care and adhering to principles of non-discrimination. Governments must not infringe upon the duties of medical professionals and must not target or punish those who seek to uphold these internationally recognized principles.

States

Governments have the obligation to protect physicians' impartiality to objectively heal the sick and treat the injured.

International Humanitarian Law (The Laws of War)

Only applies during armed conflict. The principle of medical neutrality is included in the Geneva Conventions and their Additional Protocols, which set the standard for international humanitarian law. Elements of medical neutrality have been recognized by the International Committee of the Red Cross as binding customary international humanitarian law.

International Human Rights Law

Applies during times of conflict and times of peace. Major international human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the Convention Against Torture (CAT), provide a concrete foundation upon which the norms of medical neutrality stand.

The ICCPR, for example, forbids arbitrary arrest and detention and describes very limited situations in which deviation from this principle is allowed. The arbitrary arrest and detention of medical personnel violates this international treaty.

The ICESCR codifies the right to health and explicitly calls on governments to provide access to medical care in a non-discriminatory manner for those in need. Acts including the willful blocking of medical care or the arbitrary arrest of caregivers may violate these treaties, which are binding on parties.

Additionally, the CAT forbids governments from engaging in torture and acts of cruel, inhuman, and degrading treatment. This prohibition on government action relates to all potential victims, including individuals in need of medical care. Subjecting patients or those in need of medical services to torture or cruel, inhuman, and degrading treatment stands in clear violation of the CAT.

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Pending U.S. Legislation

The Medical Neutrality Protection Act of 2013, HR 2033, is a bipartisan bill introduced by Rep. Jim McDermott (D-WA) and Rep. Walter Jones (R-NC) and largely drafted by PHR. It makes the protection of medical professionals and access to medical services a global policy priority for the U.S. government. The bill also calls for the creation of a UN Special Rapporteur on the Protection and Promotion of Medical Neutrality. Upon introduction, the legislation was referred to the House Committee on Foreign Affairs and to the House Judiciary Committee for further consideration.

PHR's Reporting on Violations of Medical Neutrality

For more than 20 years, PHR has documented violations of medical neutrality around the world.

Do No Harm: A Call for Bahrain to End Systematic Attacks on Doctors and Patients

Evidence of systematic and targeted attacks against medical personnel in Bahrain in April 2011.

Hospital Staff Upholds International Medical Ethics During Unrest in Bangkok

Actions by anti-government protesters – who blockaded and forcibly entered and searched a major hospital in central Bangkok in April 2010 – were a gross violation of humanitarian principles.

Medicine Under Siege in the Former Yugoslavia

Between October 1992 and late 1995, PHR interviewed dozens of health professionals in the former Yugoslavia and medically examined victims of torture and other forms of abuse. The resulting report called on medical associations in the region to adhere to ethical duties and obligations set forth by the WMA.

A medical team treats a protester as they are surrounded by a cloud of tear gas during clashes with Turkish police near Turkish prime minister Recep Tayyip Erdoğan's office, between Taksim and Beşiktaş, early morning on June 4, 2013 in Istanbul, Turkey. Photo: Uriel Sinai/Getty Images



continued

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PHR's Reporting on Violations of Medical Neutrality

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Human Rights Crisis in Kashmir – A Pattern of Impunity	In India, PHR in 1993 documented deliberate interference with medical care to the sick and wounded in strife-torn Kashmir.
Bloody May: Excessive Use of Lethal Force in Bangkok – The Events of May 17–20, 1992	In Thailand, PHR in 1992 investigated allegations of excessive force and violations of medical neutrality, collecting testimony about assaults on doctors treating wounded anti-government protesters.
The Health Care Situation in Iraqi-Occupied Kuwait	In Kuwait, PHR in 1990 collected evidence of Iraq's devastating dismantling of that nation's health care system at the start of the Persian Gulf War.
El Salvador: Health Care Under Siege	PHR's groundbreaking medical investigation in El Salvador in 1989 helped define medical neutrality. The investigation reported on allegations of the assault, arrest, intimidation, and execution of health care workers.
Panama 1987: Health Consequences of Police and Military Actions	In August 1987, PHR showed how the military selectively blocked access to hospitals following civilian demonstrations the June 1987.



Physicians for
Human Rights

For more than 30 years, Physicians for Human Rights (PHR) has used science and the uniquely credible voices of medical professionals to document and call attention to severe human rights violations around the world. A Nobel Peace Prize co-laureate, PHR employs its investigations and expertise to advocate for persecuted health workers and facilities under attack, prevent torture, document mass atrocities, and hold those who violate human rights accountable.