



The Impartial Provision of Medical Care

Overview

When armed forces bomb hospitals, attack ambulances, and target health care providers, the effects on the sick and injured – as well as on entire communities – are devastating.

Physicians for Human Rights (PHR) promotes respect for and protection of health care workers in their impartial provision of care and the principle of noninterference with medical services in times of armed conflict and civil unrest.

When the free and impartial provision of medical care is attacked, PHR documents the deliberate targeting of health care systems and personnel to inform efforts to hold violators accountable.

Definition

Medical impartiality 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 all who are sick and injured.

Duties and Obligations

Medical impartiality has a strong foundation in international law and in medical ethics.

International Humanitarian Law

International humanitarian law applies during armed conflict. The principle of respect for and protection of health workers providing medical care is included in all the Geneva Conventions and their Additional Protocols, as well as in customary international law. Elements of respect and protection for medical impartiality have been recognized by the International Committee of the Red Cross as binding customary international humanitarian law.

International Human Rights Law

International human rights law applies during times of conflict and in peacetime. Major international human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Rights of Persons with Disabilities (CRPD), and the Convention Against Torture (CAT), provide a concrete foundation upon which the norms of medical impartiality rest.

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

Duties and Obligations

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International Human Rights Law *continued*

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. The CRPD requires governments to take all necessary measures to ensure the protection and safety of people with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies, and natural disasters. Additionally, the CAT forbids governments to engage in torture and acts of cruel, inhuman, and degrading treatment. This prohibition on government action relates to all potential victims, including people in need of medical care.

In 2016 the UN Security Council adopted Resolution 2286, which strongly condemned attacks and threats against the wounded and sick, medical personnel and humanitarian personnel engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities in conflict situations. The Security Council demanded that all parties to armed conflict comply fully with their obligations under international law.

States

Governments have the obligation to protect health workers' impartiality and ability to heal the sick and treat the injured without discrimination.

Ethics

Doctors have an ethical responsibility to prevent illness and care for the wounded and sick without regard to politics, race, ethnicity, or religion. These ethical obligations date back thousands of years and are enshrined in varied cultural and religious traditions. The laws of war protect the sick and wounded in times of armed conflict and oblige health workers to provide them with impartial and ethical care. A health worker's ethical responsibility to provide care with no discrimination during times of war is identical to that in peacetime.

Attacks on medical professionals can prevent them from providing unbiased care. The World Medical Association's International Code of Medical Ethics and Medical Ethics Manual describe the duties of medical professionals. These duties 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.

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PHR's Reporting on Violations of Medical Impartiality

For more than 35 years, PHR has documented interference in medical impartiality around the world.

Targeting of Health Care Workers in Myanmar

PHR has documented the Myanmar military's campaign of arrest, torture, and killing of health care workers since its attempt to seize power in the Feb 2021 coup d'état.

Silenced and Endangered: COVID-19 health workers around the world

Around the world, courageous health care workers and public health officials fighting COVID-19 have faced risks to their health and violence, threats, and retaliation for voicing their safety concerns, while fulfilling their professional duties to provide care. PHR has been at the forefront of calling for protections for embattled health care personnel.

Police Violence against U.S. Volunteer Medics

PHR documented police violence against volunteer medical workers caring for the injured at Black Lives Matter protests in Portland, OR and the Bronx, NY in 2020.

Health Care in the Crosshairs in Syria

PHR has systematically documented more than 600 attacks on medical facilities, the killing of at least 930 health workers, and the blocking of access to medical care and supplies since the start of the Syrian conflict in 2011. The vast majority of these war crimes have been committed by the Syrian government and its Russian allies.

Assault on Health Care in Yemen

PHR and our partner Mwatana documented 120 attacks on health facilities and medical personnel carried out between 2015 and 2018 by all parties to the decade-long armed conflict in Yemen.

Intimidation and Persecution in Sudan

PHR and our Sudanese partners documented Sudanese security forces' purposeful attack on medical personnel and facilities during pro-democracy protests in 2018-2019, in violation of Sudanese and international law.

Health Care Under Siege in Turkey

PHR's investigation revealed how Turkish security forces deliberately and illegally obstructed access to health care in the southeast of the country by occupying hospitals, prevented free movement of emergency medical vehicles, and punished health professionals for delivering treatment to the wounded and sick in 2015-16.

PHR also documented the Turkish government's attacks on independent medical personnel who courageously provided care to the injured amid anti-government protests in 2013.

Systematic Attacks on Doctors and Patients in Bahrain

PHR documented evidence of systematic and targeted attacks against medical personnel in Bahrain in 2011 and 2012.

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PHR's Reporting on Violations of Medical Impartiality

continued

Medical Care Under Assault in Bangkok

PHR showed how 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 World Medical Association.

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 Thailand

In Thailand, PHR in 1992 investigated allegations of excessive force and violations of medical impartiality, collecting testimony about assaults on doctors treating wounded anti-government protesters.

The Health Care Situation in Iraqi-Occupied Kuwait

PHR in 1990 collected evidence of Iraq's devastating dismantling of Kuwait'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 impartiality. 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 Panamanian military selectively blocked access to hospitals following civilian demonstrations in June 1987.



Physicians for
Human Rights

For more than 35 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. PHR, which shared in the Nobel Peace Prize for its work to end the scourge of landmines, 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.