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31st International Conference of the Red Cross Red Crescent
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**31st INTERNATIONAL CONFERENCE
OF THE RED CROSS AND RED CRESCENT**

Geneva, Switzerland
28 November – 1 December 2011

**Health Care in Danger:
Respecting and Protecting Health Care**

Resolution

Document prepared by

The International Committee of the Red Cross

RESOLUTION

Health Care in Danger: Respecting and Protecting Health Care

The 31st International Conference of the Red Cross and Red Crescent,

noting that the purpose of this Resolution is to raise awareness and promote preparedness to address the grave and serious humanitarian consequences arising from violence against the wounded and sick, health care services, personnel, facilities and medical transport,

stressing that this Resolution does not give rise to new obligations under international law,

also stressing that this Resolution does not expand or modify the mandates, roles and responsibilities of the components of the Movement as prescribed in the Statutes of the International Red Cross and Red Crescent Movement,

recognizing the importance of the auxiliary role of National Societies to their public authorities in the humanitarian field,

reaffirming the roles and responsibilities of the ICRC and National Societies in responding to the needs of the wounded and sick in situations of armed conflict,

recalling that in accordance with Article 5 of the Statutes of the Movement the ICRC operates mainly in armed conflicts and often together with National Societies, and bearing in mind that it may take any humanitarian initiative in situations of violence as prescribed in the Statutes on a case by case basis and acts only with the full knowledge and consent of the State concerned, in accordance with its roles and responsibilities prescribed in such Statutes,

deeply concerned that the wounded and sick might be prevented from receiving the care and protection that they require by attacks and other impediments to the delivery of health care, and by threats and attacks endangering health-care personnel and facilities, and medical vehicles, and services to the wounded and sick. *noting* that providing adequate health care for the wounded and sick and the civilian population and securing access for medical services lies at the heart of the mission of the Movement, and is one of its main priorities, and *recognizing* the unique, privileged and complementary role of the components of the Movement in providing preventive, curative and rehabilitative health care and humanitarian relief to persons in need,

Recalling that the respect and protection of the wounded and sick, and of authorized medical personnel, facilities and transports, are enhanced through the use of the distinctive emblems recognized by the Geneva Conventions and, where applicable, their Additional Protocols,

recalling Resolution 3 of the 30th International Conference of the Red Cross and Red Crescent, on the "Reaffirmation and implementation of international humanitarian law: Preserving human life and dignity in armed conflict," in particular "the obligation to respect and to protect medical personnel, including Red Cross and Red Crescent workers, their means of transport, as well as medical establishments and other medical facilities at all times, in accordance with international humanitarian law,"

expressing its appreciation for the work and efforts of all the components of the International Red Cross and Red Crescent Movement who have engaged in addressing this important humanitarian concern in their operations throughout the world; *welcoming* the global communication campaign, which aims to raise international awareness of the violence, both real and threatened, against health-care workers, facilities and wounded and sick and to promote measures to mitigate them,

Taking note of the research done by the International Committee of the Red Cross (ICRC) for preparing *Health Care in Danger: A Sixteen-Country Study, July 2011*,

bearing in mind that international humanitarian law applies only to situations of armed conflict, and *recognizing* that international humanitarian law and applicable international human rights law provide a framework for protecting health care,

recalling the basic obligation to provide all possible health care to the wounded and sick without discrimination,

stressing in this regard, the prohibitions against attacking the wounded and sick and health-care personnel and facilities, as well as medical vehicles, against arbitrarily denying or limiting access for the wounded and sick to health-care services, and against molesting, threatening or punishing health-care personnel for carrying out activities compatible with medical ethics,

recognizing the importance of health-care personnel having sufficient practical knowledge of their rights and obligations, and the imperative need for them to have unimpeded access to any place where their services are required in accordance with international law,

emphasizing that domestic implementation measures, including training and education, are prerequisites for ensuring that States and their armed forces and security forces comply with their obligations under relevant international legal regimes to respect medical services and provide safe access for health-care personnel to the wounded and sick,

stressing that States should ensure an effective system for establishing criminal responsibility for crimes committed against health-care personnel and facilities, and medical vehicles, and against the wounded and sick, in their domestic courts or under competent international jurisdictions where applicable; and that they should also ensure means for the effective suppression of such crimes,

1. recalls the obligations to respect and protect the wounded and sick, as well as health-care personnel and facilities, and medical vehicles, and to take all reasonable measures to ensure safe and prompt access for the wounded and sick to health care, in times of armed conflict or other emergencies, in accordance with the applicable legal framework;
2. *urges* all States that have not yet done so to intensify their efforts to adopt the required domestic implementation measures based on relevant international legal obligations pertaining to the protection of the wounded and sick and health-care services, including, *inter alia*, through the adoption of legislative, regulatory or practical measures;
3. *calls upon* States to fully respect and implement their obligations under the relevant provisions of international humanitarian law concerning the protection and use of the distinctive emblems; and *further calls upon* States to adopt, where appropriate, the legal measures, including enforcement measures, pertinent to the use and the protection of the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols;
4. *calls upon* States to ensure, when circumstances require, adequate marking of medical facilities and vehicles with the distinctive emblems and signs, and their use of distinctive signals for the purposes of identification and protection;
5. *calls upon* States to ensure that their armed forces and security forces implement all applicable international legal obligations in relation to armed conflict, including situations of occupation, with regard to protection for the wounded and the sick, as well as for health-care services, including through the development and adoption of appropriate doctrine, procedures, guidelines and training;
6. *calls upon* States to ensure effective investigations and prosecution of crimes committed against health care personnel – including Movement personnel – their facilities and their means of transportation, especially attacks carried out against them, and to cooperate to this end, in conformity with their international obligations, at inter-state level and with international criminal tribunals and courts, and *calls upon* States to prevent the deliberate and arbitrary obstruction of the delivery of health care;
7. *calls upon* the ICRC, National Societies and the International Federation to enhance understanding, on the national and the international level, of the major humanitarian problem of violence against patients and health-care workers and facilities,, and work with States and others to identify and promote potential solutions;
8. *calls upon* National Societies, the ICRC and the International Federation to continue supporting and strengthening the capacity of local health care-facilities and personnel around the world and to continue providing training and instruction for health-care staff and volunteers by developing appropriate tools on the rights and obligations of health-care personnel and on protection for and the safety of health-care delivery;

9. *calls upon* National Societies, with the support of the ICRC and the International Federation, to train their staff and volunteers in the provision of effective medical assistance and in matters pertaining to their own security;

10. *Calls upon* the ICRC, National Societies, and where appropriate the International Federation, to coordinate and cooperate with other humanitarian actors to ensure that the wounded and sick are provided with adequate health care;

11. *calls upon* National Societies to engage with their respective States, in accordance with their status and role as auxiliaries to the public authorities in the humanitarian field, to explore ways to address the violence, both real and threatened, against health-care workers and facilities, and beneficiaries, in their own country;

12. *invites* National Societies to increase their efforts to disseminate information on the obligations under international humanitarian law and human rights law to respect and protect health care, and to promote and support the domestic implementation of these obligations;

13. *encourages* National Societies to intensify their commitment and efforts to adopt concrete measures for, *inter alia*, creating safer access for their health-care services and personnel to people affected in situations covered in the present Resolution;

14. *calls upon* the ICRC to initiate consultations with experts from States, the International Federation, National Societies and other actors in the health-care sector, with a view to formulating practical recommendations for making the delivery of health care safer in situations covered in the present Resolution, and to report to the 32nd International Conference in 2015 on the progress made.