

# IHL, Human Rights, and Ethics: The Medical Mission



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# ICRC/RC/RC Movement



**American Red Cross**



**National Societies**



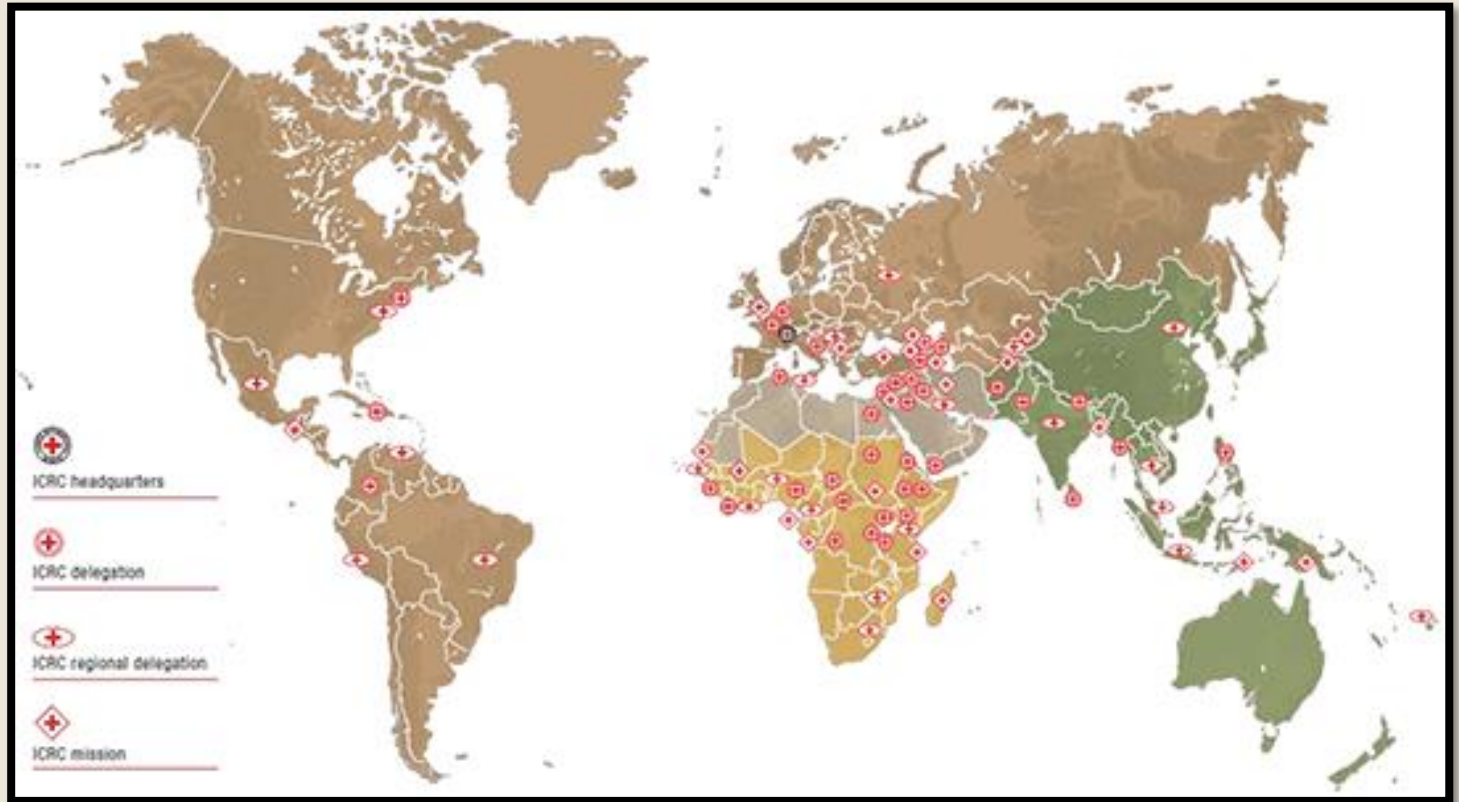
**Red Cross**

**Red Crescent**



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# ICRC around the World



- Delegations in over 70 countries
- Activities in more than 80 countries

- Over 14,000 employees
- 2015 field budget: \$1.6 Billion



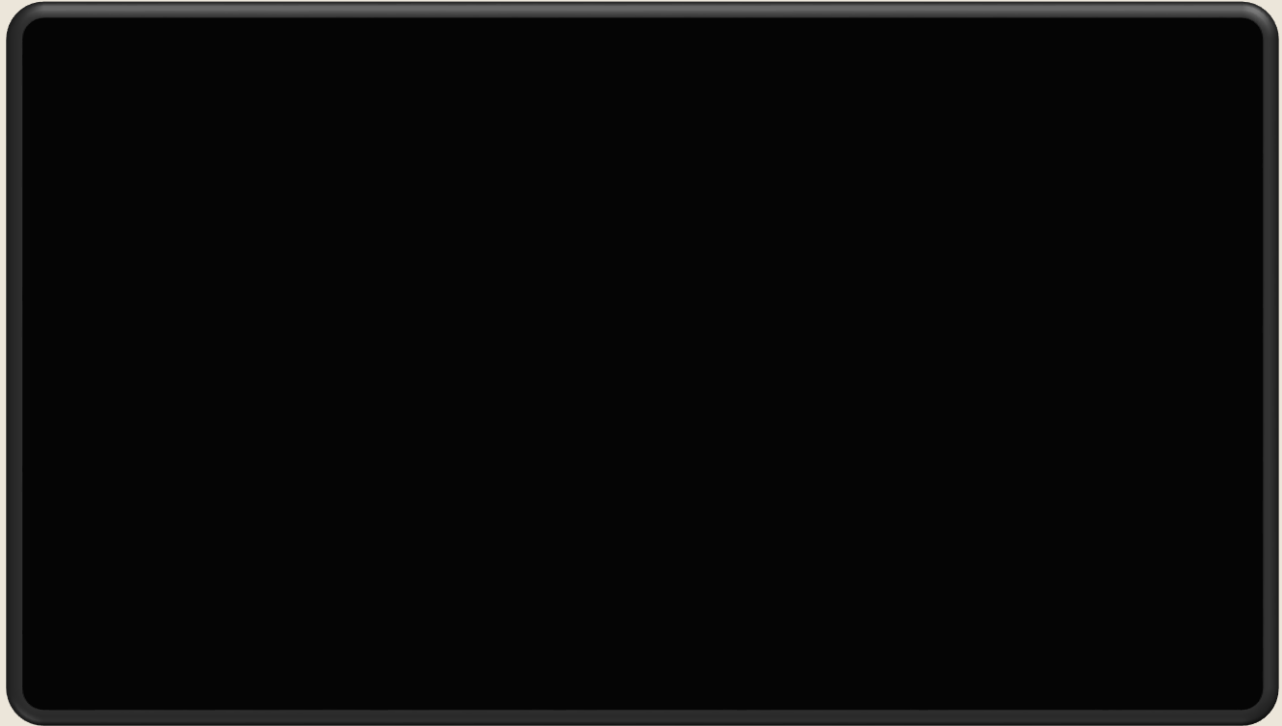
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# Force Feeding of Hunger Strikers in Guantanamo: A Case Study





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# IHL in Context





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# International Humanitarian Law



## When does IHL Apply?

- Applies during times of times of **armed conflict**.
  - International armed conflict
  - Non-International armed conflict
  - IAC

## What is IHL?

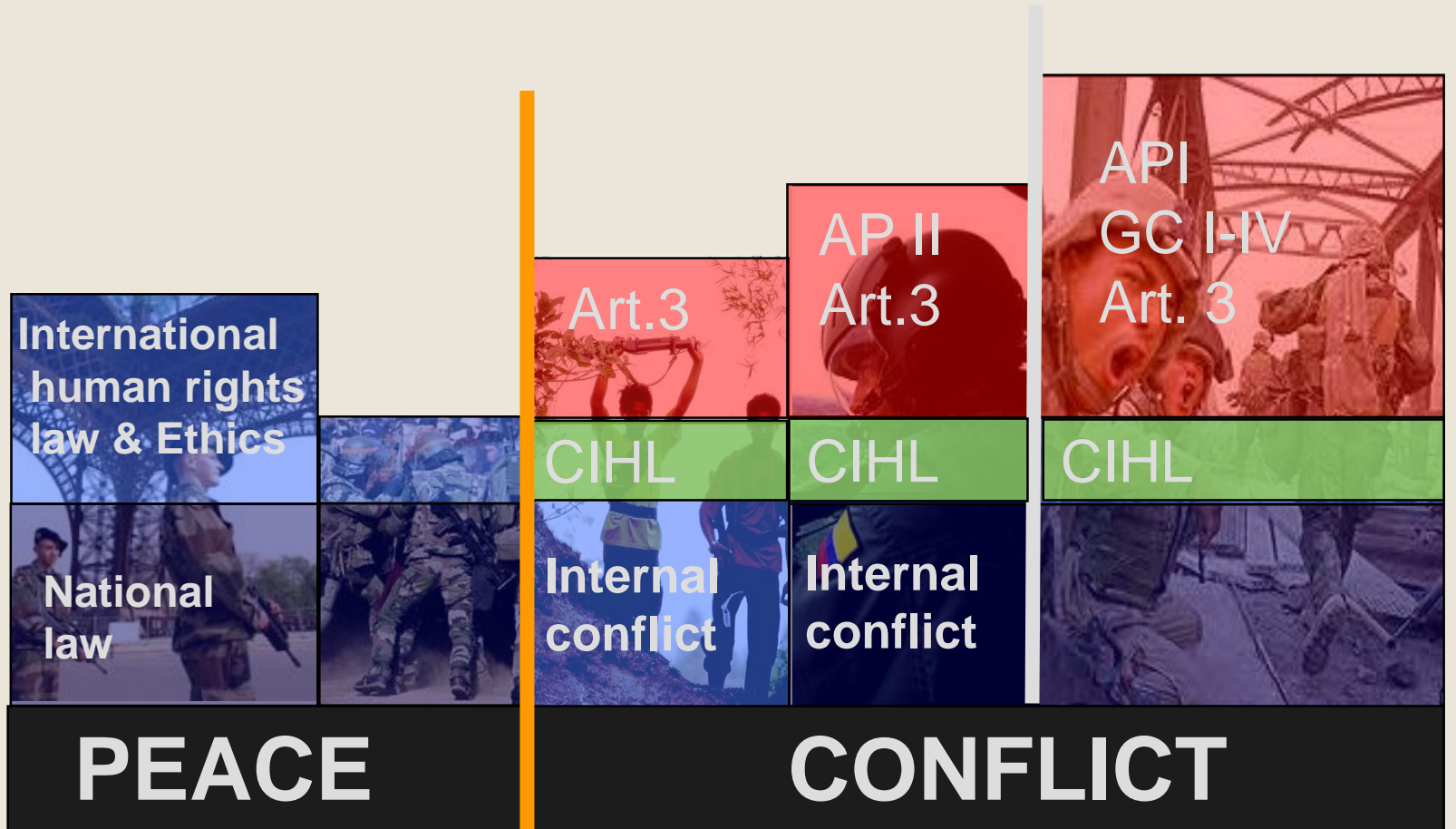
- Rules established by treaty or customary law aiming to attenuate the effects of armed conflict.
  - Protects people
  - Restricts *how* wars are fought





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# Scope of Application



Tensions or Disturbances

Non-International

International





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# Basic Principles of IHL



- 1) Military necessity
- 2) Distinction
- 3) Proportionality
- 4) Precaution
- 5) Humanity  
(limitations on means and methods of warfare)



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# IHL and Medical Care

- Health-care personnel, facilities and medical transports must be respected by all.
- Impartial medical care must be provided to the wounded and sick.
- Safe access to patients, facilities and equipment shall not be unduly impeded.
- Health-care personnel should be identified by internationally recognized symbols.
- Health-care personnel shall never be punished for executing their duties in compliance with legal and ethical norms.





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# Human Rights

- **Availability:** functioning public health and health-care facilities, goods and services must be available in sufficient quantity.
- **Accessibility:** facilities, goods & services must be accessible.
- **Acceptability:** facilities, goods & services should also respect medical ethics.
- **Good quality:** be scientifically and medically appropriate and of good quality.
- **Non-discrimination:** no discrimination on any grounds.
- **Participation:** The beneficiaries of health care services, should have a voice in the design and implementation of health policies which affect them.
- **Accountability:** Duty bearers should be held accountable for meeting human rights obligations in the area of public health.
- **Underlying determinants:** The right to health encompasses not only health care but also the underlying determinants of health such as adequate sanitation and safe drinking water and adequate housing.



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER



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# IHL v. Human Rights

IHL	Human Rights
Obligates all parties and individuals involved in an armed conflict	Obligates States only
Applies only in armed conflict	Applies at all times
Regulates the conduct of hostilities (attacks, types of weapons, etc)	Does not address conduct of hostilities
<b><i>Re: Medical Care</i></b>	
Protects the wounded, sick, medical personnel and medical facilities from direct attack	Guarantees individual access to adequate healthcare facilities
Requires medical personnel to respect medical ethics	Requires medical personnel to respect medical ethics



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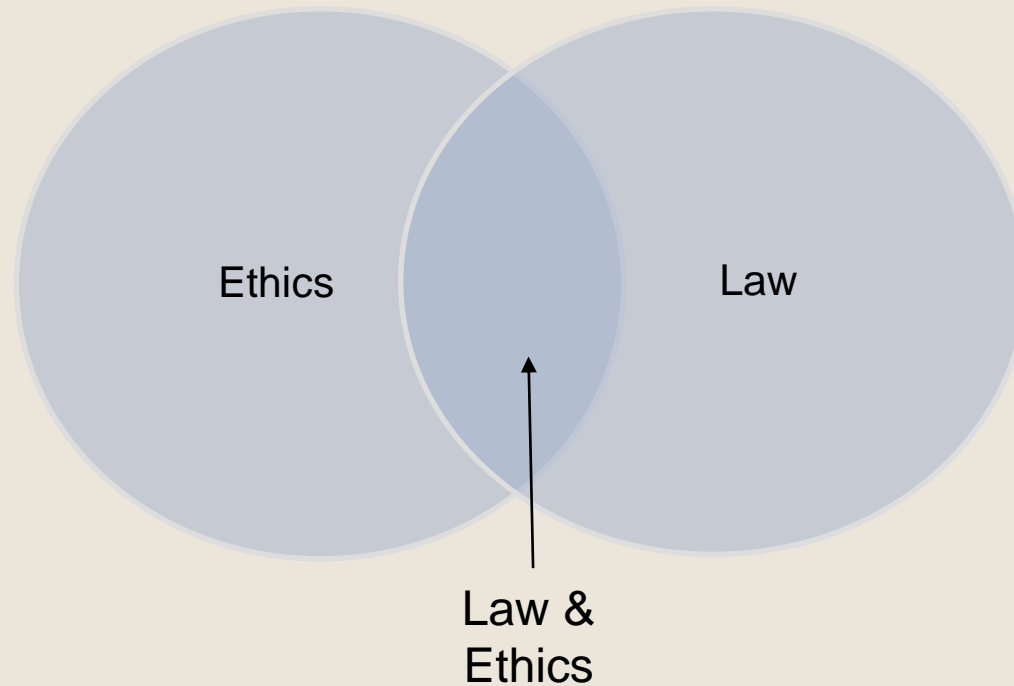
# Global Medical Ethics in Context





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# Relationship between Law & Ethics





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# Ethical Principles of Health Care in times of Armed Conflict and other Emergencies



World Medical Association



International Committee of Military Medicine



International Pharmaceutical Federation



International Council of Nurses

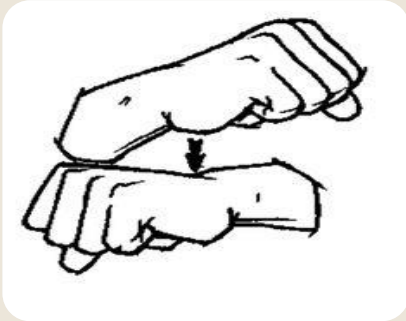


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# General Principles



Preserve human physical and mental health and to alleviate suffering



Ethical principles of health care do not change in times of armed conflict



Never accept acts of torture or any other form of cruel, inhuman or degrading treatment



Act in accordance with international & national law, ethical principles their conscience.



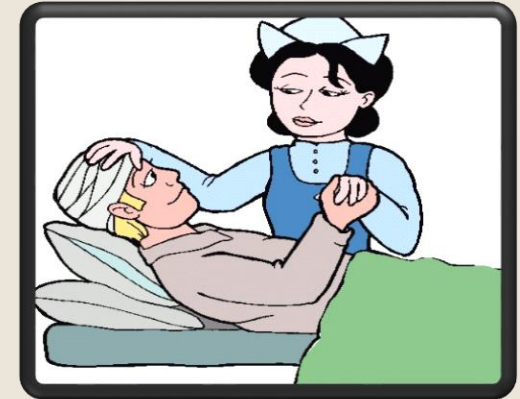
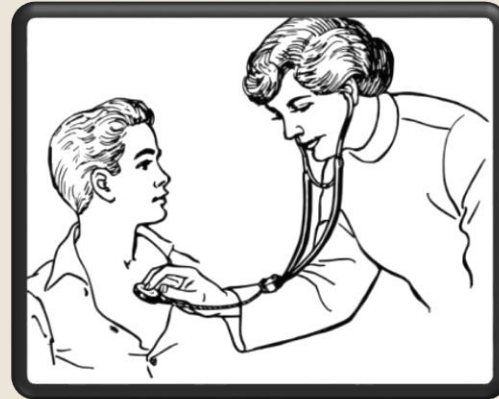
Provide necessary care with humanity. Respect dignity of patients. No discrimination.





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# Relations with Patients



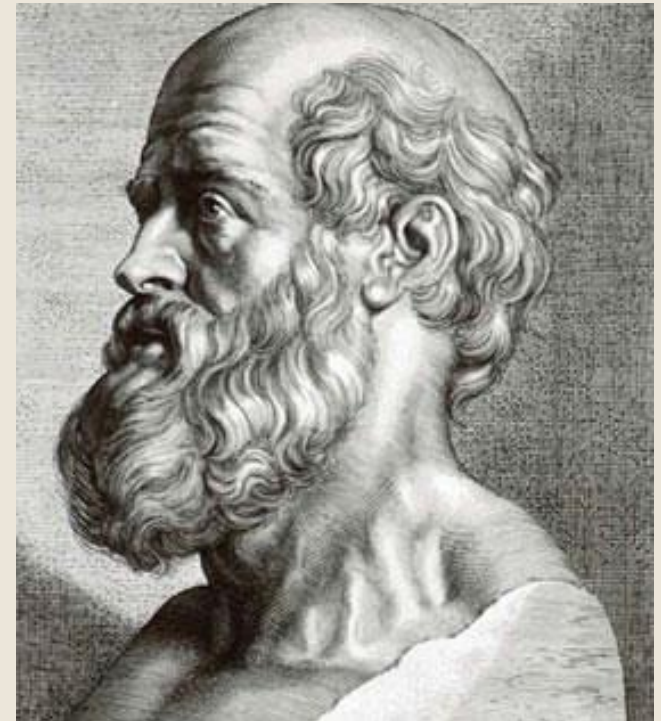
- Act in the best interest of patients.
- Render immediate attention and requisite care to the best of ability.
- No distinction between patients, except in respect of decisions based upon need and resources.
- Respect patients' right to confidentiality and patient's privacy.



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# Cultural Differences to Medical Ethics

- Most graduating medical-school students will swear to some form of the oath.
- 24% of medical schools administered the oath in 1928
- Nearly 100% of medical schools administer it today

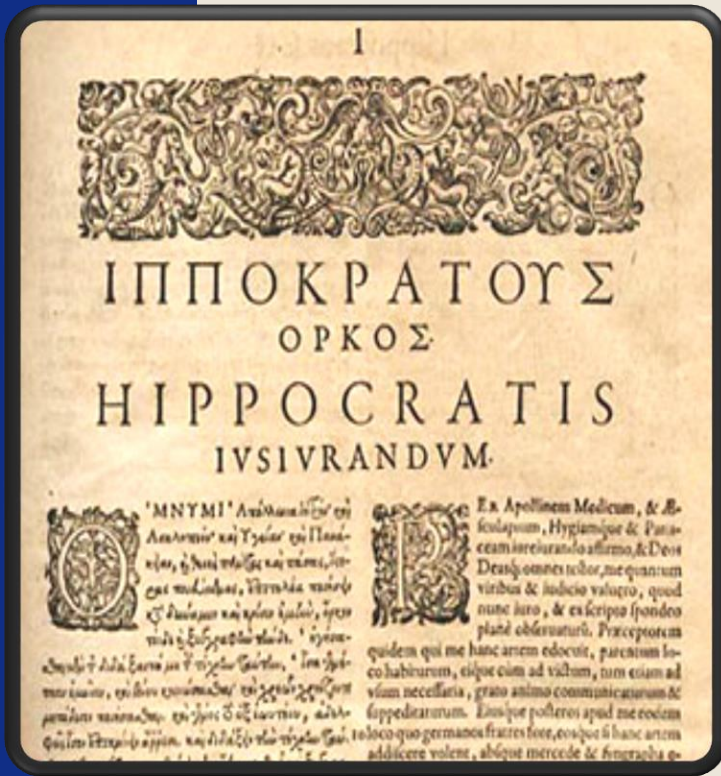


**Hippocrates lived in the 5<sup>th</sup> Century B.C., he is known as the father of medicine.**



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# 1993 Survey of 150 U.S. and Canadian Medical Schools



- 14% of modern oaths prohibit euthanasia
- 11% hold covenant with a deity
- 8% foreswear abortion
- 3% forbid sexual contact with patients
- Above are *all maxims held sacred in the classical version of the Hippocratic Oath*