

FIRST STATE CONSULTATION ON ACHIEVING MEANINGFUL PROTECTION FOR HOSPITALS
IN ARMED CONFLICT – New Zealand Intervention

WEDNESDAY, 28 MAY 2025

Opening Remarks

- Thank you Chair.
- New Zealand has a proud legacy in supporting the development and implementation of IHL.
- We are particularly pleased to be participating in this workstream and would like to thank the ICRC and the co-chairs for convening today's consultations.
- This is an important topic, and one that New Zealand has been compelled to act on previously.
- In 2016 New Zealand, in concert with Japan, Egypt, Spain, and Uruguay co-drafted United Nations Security Council Resolution 2286.
- Sadly, since its adoption, attacks against medical workers and facilities, and against humanitarian convoys delivering medical supplies, have continued.
- This is unacceptable.
- Our key messages are that -
 - Under IHL, medical personnel, units, and transports exclusively assigned to medical duties must be respected and protected due to their role in treating the wounded and sick.
 - States can and should do more to ensure that international legal frameworks relating to the protection of medical care in armed conflict are reflected in domestic law, as well as in relevant rules of engagement, military manuals and other operational guidelines.
 - States need to make greater efforts to promote awareness and understanding of IHL.
- Turning to the present agenda item.
- The New Zealand Defence Force Manual of Armed Forces Law states the following on the entry and search of civilian medical establishments.

Members of the New Zealand Defence Force are not to enter or search civilian medical establishments unless there is a clear military necessity or humanitarian requirement to do so. Subject to the law of armed conflict and orders, entry may be permitted:

- a) To obtain medical treatment for themselves, other members of the force or civilians under their control, to visit members of the force under treatment or to remove those persons where it is safe to do so; or*

- b) where there are reasonable grounds to believe that: persons in the facility pose an immediate threat to the safety or security of the facility, its staff, or patients; or the facility is being used for purposes inconsistent with its protected status.*

Where entry or search is considered necessary:

- a) consideration is to be given to whether the aim could be achieved in a way that does not involve entering the facility or disrupting its functions (e.g. by waiting for members of the opposing force to come out or by issuing warnings);*
- b) it must be conducted in a way that provides the greatest respect possible for the protected status of the facility, staff, and patients;*
- c) the personal dignity and privacy of patients is to be respected, particularly of members of the opposite sex and children;*
- d) the timing, nature, duration, and scope of the search must, wherever possible, take into account the routine and duties of the facility and must be scheduled so as to not disrupt surgical operations or other medical procedures; and*
- e) where sufficient resources exist, searches are to be conducted using the least intrusive method consistent with security (e.g. search dogs are only to be used in cases of imminent military necessity and are to be tightly controlled).*

- Thank you and we look forward to further discussions.

Ref: *Entry and search of civilian medical establishments* (DM 69 Vol 4, Chapter 11, paras 11.6.6-8)