

[Make a Payment](#)[🇪🇸 Español](#)[🇧🇷 Português](#)

The Geneva Conventions of 1949 and Additional Protocols

Brief History & Overview

The first Geneva Convention was initiated by what is now known as the [International Committee for the Red Cross and Red Crescent](#) (hereinafter, ICRC) and was attended by [16 States](#). The First Convention was adopted on August 22, 1864, in Geneva, Switzerland, and pertained to protections for those wounded in war, and the inviolability of medical professionals who were there to assist them. The Convention also established an emblem of neutrality—a red cross on a white background.

On July 27, 1929, the second Geneva Convention was adopted in response to the lack of protections for prisoners of war during World War I (in 1949, the Second Convention would be revised and become the Third Convention).

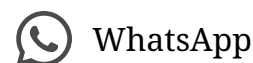
On August 12, 1949, the third and the fourth Geneva Conventions were adopted (the first and second were updated) in response to war crimes committed during World War II.

The Geneva Conventions entered into force on [October 21, 1950](#). In 1977 two Additional Protocols were added, and a third was added in 2005. In total, the Geneva Conventions include four treaties and three protocols. They codify and provide foundations for several concepts of international law and international humanitarian law. Namely, the Conventions seek to limit the effects of international and domestic armed conflicts on civilians and other non-combatants. Additionally, they establish fundamental rights for prisoners-of-war and provide for the protection of the wounded and sick on land, and at sea.

After the adoption of the Geneva Conventions, ratification by States grew gradually.

Ratification by Decade

Number of States Ratifying the Geneva Conventions	Decade
---	--------



1950s	72
1960s	49
1970s	20
1980s	20
1990s	26
2000s	7
2000s	7
2010s	2
Total:	196

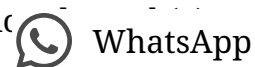
At the time of writing, **one hundred and ninety-six (196)** countries have ratified the Geneva Conventions, including the Holy See and Palestine; the Conventions are universally applicable.

The Additional Protocols have not been as widely ratified, although nearly all nations have ratified Additional Protocols I & II. **One hundred and seventy-four (174)** countries have ratified Additional Protocol I; **one hundred and sixty-nine (169)** countries have ratified Additional Protocol II; **seventy-seven (77)** countries have ratified Additional Protocol III. Any State that has ratified the Geneva Conventions, but who has not ratified the Protocols remains bound by the Conventions.

The United States has ratified the four Geneva Conventions. In 1977 it signed **Protocols I and II** but has not ratified either. In 2007 it ratified **Protocol III**.

Convention I: Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, August 12, 1949.

The **First Convention** includes 64 articles and protects soldiers who are hors de combat (out of battle). The First Convention further protects: (1) wounded and sick soldiers, (2) medical professionals, clinics, hospitals, and medical equipment, (3) military chaplains, (4) civilians providing support for military professionals, and (5) civilians who take up arms.



Additionally, it provides for the right of the ICRC to provide medical care to the sick and wounded. It guarantees the rights of the sick and wounded without discrimination to their race, nationality, religion, sex, or political affiliation. Lastly, it ensures minimum levels of care for the sick and wounded, particularly after battle.

Convention II: Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva, August 12, 1949.

The **Second Convention** extrapolates the protections provided for in the First Convention and applies them to conditions at sea. It aims to protect the sick and wounded while at sea, or onboard a ship.

It contains 63 articles that apply to (1) armed forces who are sick, wounded, or shipwrecked, (2) hospital ships and medical professionals, and (3) civilians providing support for military professionals.

“Shipwrecked” includes anyone who is adrift, including those who have parachuted from an aircraft. Hospital ships may not be used for combat; however, medical professionals, sick, and wounded aboard a medical ship may be held as prisoners of war, provided the captors can adequately care for them.

Convention III: Treatment of Prisoners of War, Geneva, August 12, 1949.

The **Third Convention** provides rules for the treatment of prisoners of war (POWs). It contains 143 articles and covers: (1) members of the military, (2) militia and volunteer fighters, and (3) civilians providing support for military professionals.

It provides for the humane treatment of POWs, including food, clothing, adequate shelter, and medical care. It also states that POWs are subject to their captor’s laws and may be tried in their captor’s courts of law, although the captors should ensure fairness and impartiality. POWs are only required to provide their names and should be repatriated when the conflict is over. Additionally, the Third Convention prohibits the use of torture on POWs.

Lastly, the ICRC and other non-governmental organizations should be permitted to provide humanitarian support to POWs.

Convention IV: Protection of Civilian Persons in Time of War, Geneva, August 12, 1949.



WhatsApp

The 159 articles of the **Fourth Convention** pertains to the protection of civilians during times of armed conflict. The hallmark of the Fourth Convention is to insulate civilians from the horrors of war, including murder, torture, and discrimination. It provides special protections for the wounded, children, pregnant women, and mothers of small children.

It provides direction, minimum standards, and rules for occupying powers.

Additionally, it reiterates minimum standards of care for POWs, the sick, and the wounded.

Common Article 3: Conflicts Not of An International Nature

Common Article 3, as its name suggests, is identical across all four conventions, and pertains to ‘conflicts not of an international character.’

Article 3 is remarkable, as it extends the reach of the Geneva Conventions to civil wars, internal armed conflicts, and spill-over conflicts, not of an international nature. Article 3 is essentially a summary of the Geneva Conventions, as applied to internal conflicts.

Article 3 reiterates the minimum level of treatment that soldiers who are hors de combat (out of battle), due to sickness, injury, or capture, should receive. It prohibits discrimination, violence, mutilation, torture, the taking of hostages, and humiliating and degrading treatment of the sick, wounded, and civilians.

It speaks to the rule of law and due process for POWs and reiterates that the wounded, sick, and shipwrecked shall be rescued and cared for.

Additional Protocol I: Protection of Victims of International Armed Conflicts, June 8, 1977.

The 102 articles of **Additional Protocol I** aim to clarify, expand, and define various concepts found in the Geneva Conventions. Specifically, it expands protections for women, medical professionals, and children, particularly the recruitment of child soldiers. It also provides protections for journalists.

It bans the use of weapons that “cause superfluous injury or unnecessary suffering” along with weapons that may cause damage to the environment. It prohibits attacks on civilian populations and the destruction of food supplies, water, dams, places of worship, and cultural artifacts.

Additional Protocol II: Protection of Victims of Non-International Armed Conflicts



WhatsApp

Conflicts, June 8, 1977.

The 28 articles of [Additional Protocol II](#) guarantee humane treatment for POWs and strengthens protections for the sick, wounded, and shipwrecked. It prohibits attacks on “objects indispensable to the survival of the civilian population,” including food, crops, livestock, irrigation, and drinking water. It also prohibits the displacement and expulsion of civilian populations from their own land. Lastly, children should be evacuated from conflict zones and reunited with their families as soon as feasible.

Additional Protocol III: Adoption of an Additional Distinctive Emblem, December 8, 2005.

[Additional Protocol III](#) pertains to the use of the neutral emblems. The longstanding emblem of the Geneva Conventions and the ICRC has been the red cross on a white background. It is a widely accepted symbol of neutrality and humanitarian aid. In 1949 two additional emblems were adopted: the red crescent and the red lion and sun. Problematically, some individuals associate religious and political connotations with these later two emblems. To combat this, in 2005, a diplomatic conference was held to select an emblem devoid of any religious or political associations. Thus, ‘the red crystal’ was born in 2005.


Applicability of the Geneva Conventions

All nations that have ratified the Geneva Conventions are bound by them. The Conventions apply in all cases of:

- Declared war;
- Armed conflict between States;
- Cases of occupation, including when there is no resistance on the part of the occupied State;

Enforceability of the Geneva Conventions

All nations that have ratified the Geneva Conventions are [obligated to enact laws](#) to comply with the Conventions. ‘Grave breaches’ of the Geneva Convention can be dealt with in two ways (1) by the Signatory’s domestic courts, or (2) in an international tribunal.

Jurisdiction of an international tribunal stems from the concept of ‘uni’  WhatsApp

jurisdiction.’ The doctrine of ‘universal jurisdiction’ is one found in international law and provides that some crimes are so heinous that they offend the morals of the international community as a whole. Such crimes include genocide, torture, war crimes, and crimes against humanity,

Despite the obligation of each State to uphold the Geneva Conventions and prohibit war crimes by its citizens, States still engage in conduct contrary to the Conventions.

A notable example is *Hamdi v. Rumsfeld*. In September 2001, in response to the September 11th attacks, the U.S. Congress passed a resolution called the ‘Authorization for Use of Military Force,’ (AUMF) authorizing the President to “use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided in terrorist attacks... or harbored such organizations or persons.” The U.S. government used this resolution to indefinitely detain Yaser Esam Hamdi, a United States citizen, who the government labeled an “enemy combatant.” Hamdi argued that his detention violated the U.S. obligations under the Geneva Conventions; the Supreme Court rejected that argument holding that Congress had explicitly authorized this type of detention through the AUMF.

Geneva Conventions of 1949

- Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva, August 12, 1949
- Geneva Convention II for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva, August 12, 1949
- Geneva Convention III relative to the Treatment of Prisoners of War, Geneva, August 12, 1949
- Geneva Convention IV relative to the Protection of Civilian Persons in Time of War, Geneva, August 12, 1949

Geneva Convention Additional Protocols

- Additional Protocol I to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts, June 8, 1977
- Additional Protocol II to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, June 8, 1977
- Additional Protocol III to the Geneva Conventions of August 12, 1949, relating to the Adoption of an Additional Distinctive Emblem, December 8, 2005

Other Resources

- The International Committee of the Red Cross, *The Geneva Conventions of 1949 and their Additional Protocols*
- American Red Cross, *Summary of the Geneva Conventions of 1949 and Their Additional Protocols*
- List of Signatories to the Geneva Conventions, including dates of ratification
- International Committee of the Red Cross
- Organization of American States, Entire Text of the Geneva Conventions

Start Your Journey to Live & Work in the U.S.


See How We Can Help

- Home
- Our People
- Case Studies
- News & Resources
- Privacy Policy
- Make a Payment

- Business Immigration Lawyers
- EB-2 NIW Visa Lawyers
- EB-1 Visa Lawyers (Advanced Degree Professionals)
- O1 Visa Lawyers

- Investor Visa Lawyers
- E2 Visa Lawyers
- EB-5 Visa Lawyers



Colombo & Hurd is an award-winning U.S. immigration law firm founded by  WhatsApp^{ve} are dedicated to assisting clients, from the world's leading multinational corporations to

entrepreneurs, investors and their families, who seek to live and work in the United States.

Location

301 E Pine St #450
Orlando, FL 32801

Contact

Phone: (407) 478-1111



-  Español
-  Português

schedule a consultation



[Contact Us](#)

Have questions or ready to schedule a consultation? Get in touch today.

ORLANDO OFFICE

Address: 301 E Pine St #450
Orlando, FL 32801
Phone: (407) 478-1111
Hours: 9AM – 5:30PM

What type of Visa or Immigration Assistance are you looking for? *(Required)*



WhatsApp

Additional Information *(Required)*

Please provide details about the type of Visa or Immigration Assistance you are seeking, along with as much information as possible so we can best assist you.

By submitting this form, I agree to receive communications from Colombo & Hurd, including updates, promotions, and special offers. I can unsubscribe anytime, and my information will be handled as outlined in the [Privacy Policy](#).

Verify you are human



Send Message

