

Revised Model Law on the Recognition of National Red Cross and Red Crescent Societies

Draft for Consultation

This document sets out the Revised Model Law on the Recognition of National Red Cross and Red Crescent Societies and replaces the *Model Law on the Recognition of the (name of the Red Cross or Red Crescent Society) of 1999*. It provides elements for Red Cross, Red Crescent or Red Crystal (RC) recognition instruments and has been designed as a tool to be used by National Red Cross and Red Crescent Societies (National Societies), together with representatives of public authorities designated to draft or revise RC recognition instruments. It is also intended to serve as a benchmarking tool for National Societies that are working with their public authorities to develop or update a RC recognition instrument and to support National Societies in complying with the [Statutes of the International Red Cross and Red Crescent Movement](#) (Statutes of the Movement), particularly Article 4 on conditions for recognition of National Societies. **As such, this Model Law does not, in itself, create any new obligations for National Societies or replace any existing ones. It is designed to support National Societies that are already working with their public authorities to develop or update their recognition instrument or that wish to advocate for it to be reviewed.**

A National Society's recognition instrument is a fundamentally important document. Typically, it is the legal instrument that establishes a National Society and recognizes its role as an auxiliary to the public authorities in the humanitarian field and the Fundamental Principles. Moreover, it usually grants the National Society certain special legal facilities (e.g. tax exemption) and addresses a range of other foundational matters, such as the National Society's mission, key activities, duties, emblem protection and funding. Having a recognition instrument distinguishes a National Society from non-governmental organizations, which are typically registered rather than established by law. It should be noted that a country's RC recognition instrument may be called a law, decree, order, regulation, charter or act, depending on the domestic legal system. For ease of reference, the term RC Law is used in this document to refer to RC recognition instruments.

This Model Law responds to the call made by the International Conference of the Red Cross and Red Crescent (International Conference) to strengthen the legal base of National Societies,¹ which is formed by various international and national laws and instruments, including the Geneva Conventions of 1949 and their Additional Protocols, the [Statutes of the Movement](#), International Conference resolutions, United Nations resolutions, RC Laws and sectoral laws. It should be noted that for the purposes of this document, the legal base of a National Society comprises the international and national instruments that regulate the relationship with its public authorities and is distinct from its statutory base, which regulates its internal organization.

¹ See [Resolution 4 of the 31st International Conference \(2011\)](#) and [Resolution 4 of the 34th International Conference \(2024\)](#).

The Model Law is aimed at strengthening RC Laws, and the majority of its provisions are derived from the [Statutes of the Movement](#), the Geneva Conventions of 1949 (and their Additional Protocols) and resolutions of the International Conference. The latter are adopted by all members of the International Conference, which include States Parties to the Geneva Conventions. While they are not legally binding as such, the fact that they are adopted by consensus means that they enjoy wide acceptance and are significant formal commitments in the humanitarian sphere between States and Movement components, consistent with the Fundamental Principles.

This Model Law identifies **14 elements** to be included in a RC Law. For each element, there is an explanation in the left column of what a RC Law should address and why as well as arguments that may be used by National Societies when advocating for the inclusion of such a provision in their RC Law. In the right column, there is an example provision. These 14 elements are divided into two sections:

- a. **Elements 1 to 6** set out in **Part 1** below are **key elements**. They are of universal and fundamental importance to all National Societies. In general, the example provisions for these elements should be included – without any or with only limited modifications – in the RC Law. They support compliance with Article 4 of the [Statutes of the Movement](#), which sets out ten conditions for recognition of National Societies. These provisions will also serve as the benchmark for the Joint Statutes Commission to evaluate the legal and statutory frameworks of National Societies and for the International Committee of the Red Cross (ICRC) to assess compliance with National Society recognition criteria. **It is essential that a draft of the RC Law be shared with the Joint Statutes Commission prior to it being submitted to government authorities.** This will enable the Commission to verify whether the legal base of the National Society is consistent with key elements 1 to 6 of this Model Law (and hence with Article 4 of the [Statutes of the Movement](#)) and, if it is not, issue recommendations accordingly.
- b. **Elements 7 to 14** set out in **Part 2** of this Model Law are **recommended**, as they could facilitate the National Society's functioning and operations domestically. However, they generally need to be adapted to the local context and legal system. Simply copying the example provisions may result in a RC Law that is not fit for purpose or adapted to the country context or the status, role or needs of the National Society. Indeed, some of the example provisions in the Model Law will not be necessary, appropriate and/or feasible in a given country context. Based on the context and negotiations with their governments, National Societies should determine whether to advocate for the inclusion of these provisions as they stand, advocate for the inclusion of the provisions with amended language or not advocate for their inclusion at all, adjusting their advocacy efforts accordingly.

The revision of the Model Law does not mean that National Societies need to review their legal base. However, for National Societies that do wish to develop or update a RC Law, there are many resources available. Annex 1 to this Model Law contains a list of assessment questions that National Societies can use to identify strengths and gaps in their existing RC Laws. In addition, the [Guide to Strengthening the Auxiliary Role through Law and Policy \(Auxiliary Role Guide\)](#) of the International Federation of Red Cross and Red Crescent Societies (IFRC) provides detailed information about several components of a RC Law. It draws on insights and best practices identified from 30 country-level mappings commissioned by IFRC Disaster Law as well as supplementary research in other countries on how the

National Society's auxiliary role is reflected in domestic laws, policies, plans and agreements. The Auxiliary Role Guide also outlines how National Societies can engage in advocacy on this topic and provides case studies of National Societies that have successfully advocated for a new or updated RC Law. It is accompanied by an [online training course](#). These resources are available in Arabic, English, French, Russian and Spanish. In addition, National Societies can access technical support from the IFRC and the ICRC.

Part 1: Key elements

1. Nature of the National Society

The RC Law is typically the legal instrument that establishes a National Society. It is therefore essential that it enshrine the unique status, nature and characteristics of the National Society.

First, the RC Law should recognize the National Society as a voluntary aid society and as an auxiliary to the public authorities in the humanitarian field.² Second, it should establish that it is the only National Society in the country and carries out its activities in the entire territory of the country.

In addition to the above, the RC Law should state that the National Society is a component of the International Red Cross and Red Crescent Movement (the Movement). Further, it should establish that the National Society has legal personality.

The way in which legal personality is granted may vary from one country to another depending on the local legal system. This decision is therefore up to each national government. What is important is to ensure that the National Society is an autonomous entity that can act in its own name (it can enter into contracts, open a bank account, etc.).

Note:

The example provision has been designed to support the implementation of Article 4 of the [Statutes of the Movement](#), which sets out the conditions for recognition of National Societies. It specifically supports the implementation of Article 4(1), (2), (3), (5), (6) and (7), which require a National Society to:

- be constituted on the territory of an independent State where the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field is in force;*
- be the only National Red Cross or Red Crescent Society of the said State and*

Example provision

- (1) This [Act/Law] regulates the legal status of the [name of the National Society] [, established by [insert instrument and date]] (hereinafter called "the National Society") and may be quoted as "The [name of the National Society] [Act/Law]".
- (2) The National Society is a voluntary aid society, auxiliary to the public authorities in the humanitarian field, recognised on the basis of the Geneva Conventions of 12 August 1949 (and their Additional Protocols).
- (3) The National Society is the only National Society of the Red Cross or Red Crescent in [country name]. It carries out its activities on the entire territory of [country name].
- (4) The National Society has legal personality of its own.
- (5) The National Society is a component of the International Red Cross and Red Crescent Movement.

Note: The example provision above derives from Articles 1 and 2 of the original RC Model Law and is inspired by the Preamble and Article 3(1) of the Statutes of the Movement. Paragraph (4) is new. The example provision supports the implementation of Article 4(1), (2), (3), (5), (6) and (7) of the Statutes of the Movement.

² In some language versions of this paragraph, there may be no differentiation between the term "aid society" and "auxiliary". In such cases, additional language may be required to effectively incorporate paragraph (2) of the example provision.

be directed by a central body which shall alone be competent to represent it in its dealings with other components of the Movement;

- *be duly recognized by the legal government of its country on the basis of the Geneva Conventions and of the national legislation as a voluntary aid society, auxiliary to the public authorities in the humanitarian field;*
- *use a name and distinctive emblem in conformity with the Geneva Conventions and their Additional Protocols;*
- *be so organized as to be able to fulfil the tasks defined in its own statutes, including the preparation in peace time for its statutory tasks in case of armed conflict; and*
- *extend its activities to the entire territory of the State.*

2. Fundamental Principles

The Fundamental Principles are part of the DNA of a National Society. In practice, however, they are not always well understood by public authorities. Moreover, the Fundamental Principles – especially impartiality, neutrality and independence – can come under pressure in complex political and humanitarian environments.

In light of the above, it is necessary for the RC Law to include a dedicated provision on the Fundamental Principles. This provision should, at a minimum, require the National Society to adhere to the Fundamental Principles, and the public authorities to respect the National Society's adherence to them. This is in line with [Resolution 55\(I\) of the United Nations General Assembly](#) of 1946³ as well as with Article 2(4) of the [Statutes of the Movement](#), [Resolution 2 of the 30th International Conference](#) and [Resolution 4 of the 31st International](#)

Example provision

- (1) The National Society shall at all times respect and be guided by the seven Fundamental Principles of the International Red Cross and Red Crescent Movement: Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity and Universality, as defined in the Statutes of the International Red Cross and Red Crescent Movement adopted through resolution XXXI of the 25th International Conference of the Red Cross and Red Crescent, as amended. These Fundamental Principles are:
 - a. Humanity: The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

³ [Resolution 55\(I\) of the United Nations General Assembly](#) of 1946 provides that States should encourage and promote the establishment and cooperation of National Societies, that the independent and voluntary nature of National Societies should be respected at all times and under all circumstances and that the necessary steps should be taken to ensure that, in all circumstances, contact may be maintained between the National Societies of all countries so as to enable them to carry out their humanitarian task.

Conference, which call on States to respect the National Society's adherence to the Fundamental Principles. The obligation of the public authorities to respect the duty and ability of National Societies to abide by the Fundamental Principles includes, in practice, refraining from imposing financial, contractual or administrative conditions that could compromise their practical application.

Additionally, it is a good idea for the provision to outline in full each of the seven Fundamental Principles as set out in the Statutes of the Movement. This creates a strong domestic legal basis for the National Society to resist any third-party interference or pressure which may compromise its adherence to these principles. Moreover, including a full description of the principles promotes better understanding and awareness of them.

It is of critical importance that the description of the Fundamental Principles included in a RC Law be fully aligned with their description in the Statutes of the Movement, which were adopted by States through the International Conference. These descriptions should not be deviated from in any circumstances in order to ensure that the Fundamental Principles of the Movement are interpreted uniformly across the world. Should the authorities request changes to the content of the Fundamental Principles during the drafting of the recognition law, it is essential to remove subparagraphs (a) to (g) in the left-hand column and retain only paragraphs (1) and (2). This will help ensure that the Fundamental Principles remain unaffected.

Note:

The example provision has been designed to support the implementation of Article 4(4) of the Statutes of the Movement, which requires the National Society to have an autonomous status that allows it to operate in conformity with the Fundamental Principles of the Movement.

- b. Impartiality: It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.
 - c. Neutrality: In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.
 - d. Independence: The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.
 - e. Voluntary service: It is a voluntary relief movement not prompted in any manner by desire for gain.
 - f. Unity: There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.
 - g. Universality: The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.
- (2) The public authorities shall at all times respect the adherence by the National Society to the Fundamental Principles of the International Red Cross and Red Crescent Movement and decisions taken by the National Society on that basis.

Note: With the exception of paragraph (2), the example provision above is new and did not appear in the original RC Model Law. It supports the implementation of Article 4(4) of the Statutes of the Movement.

3. Auxiliary role

The auxiliary role of a National Society is a unique and defining feature. In a nutshell, the auxiliary role of a National Society is to support its public authorities in the humanitarian field by supplementing or substituting for public humanitarian services, while acting in conformity with the Fundamental Principles. The auxiliary role has been recognized and developed in various resolutions of the International Conference.⁴

In order to promote understanding of the auxiliary role and its full realization, it is advisable to include a dedicated provision on this topic in the RC Law, which should draw from the language of [Resolution 2 of the 30th International Conference](#). This seminal resolution provides the most authoritative and detailed description of the auxiliary role to date. Under this resolution, the members of the International Conference – the States Parties to the Geneva Conventions and the components of the Movement – expressly recognize that public authorities and National Societies as auxiliaries enjoy a “specific and distinctive partnership, entailing mutual responsibilities and benefits, and based on international and national laws, in which the national public authorities and the National Society agree on the areas in which the National Society supplements or substitutes for public humanitarian services”. The example provision illustrates how the language of [Resolution 2 of the 30th International Conference](#) can be crafted into a clear and helpful domestic legal provision. Paragraphs (2) and (3) clearly explain the meaning of the auxiliary role, while paragraphs (4), (5) and (6) outline the corresponding duties of a National Society and its public authorities. These duties are derived primarily⁵ from [Resolution 2 of the](#)

Example provision

- (1) The National Society is auxiliary to the public authorities of [country name] in the humanitarian field.
- (2) The public authorities of [country name] and the National Society as auxiliary enjoy a specific and distinctive partnership, entailing mutual responsibilities and benefits, in which the national public authorities at all levels and the National Society agree on the areas in which the National Society supplements or substitutes for public humanitarian services.
- (3) The public authorities bear the primary responsibility to provide humanitarian assistance in their territory. As an autonomous national organization, auxiliary to the public authorities in the humanitarian field, the primary purpose of the National Society is to supplement the activities of the public authorities in fulfilling this responsibility.
- (4) The National Society has a duty to consider seriously any request by its public authorities to carry out humanitarian activities within its mandate and in accordance with the Fundamental Principles.
- (5) The public authorities must refrain from requesting the National Society to act in a manner that may conflict with the Fundamental Principles, the Statutes of the Movement, the National Society’s mission or any of its duties or that may foreseeably harm vulnerable persons served by the National Society.
- (6) The National Society has the duty to decline the types of requests outlined in paragraph (5) above, and the public authorities must respect any such decision by the National Society.
- (7) Whilst the National Society has an auxiliary role to the public authorities of [country name] in the humanitarian field, it is an autonomous national organization which, in line with its statutes, must be able to operate in accordance with the seven Fundamental Principles of the Movement at all times, in particular, the Principle of Independence. The National Society retains its autonomy

⁴ See, for example, the following resolutions of the International Conference: [Resolution VIII of the 20th International Conference \(1965\) \(page 99 of the conference report\)](#); [Resolution XVI of the 22nd International Conference \(1973\) \(page 124 of the conference report\)](#), recalled in [Resolution XV of the 23rd International Conference \(1977\) \(page 140 of the conference report\)](#); [Resolution V of the 26th International Conference \(1995\) \(page 129 of the conference report\)](#); [Resolution 1 of the 28th International Conference \(2003\) \(page 19 of the conference report\)](#); [Resolution 2 of the 30th International Conference \(2007\)](#); Resolutions [4](#) and [7](#) of the 31st International Conference (2011); [Resolution 6 of the 32nd International Conference \(2015\)](#); and [Resolutions 1, 3, 4 and 5 of the 34th International Conference \(2024\)](#).

⁵ Paragraph (5) also draws from [Resolution 4 of the 33rd International Conference \(2019\) \(page 120 of the conference report\)](#).

30th International Conference, which emphasizes that:

- *National Societies, as auxiliaries to the public authorities in the humanitarian field, have a duty to consider seriously any request by their public authorities to carry out humanitarian activities within their mandate; and*
- *States must refrain from requesting National Societies to perform activities which are in conflict with the Fundamental Principles or the Statutes of the Movement or its mission, while National Societies have the duty to decline any such request, and the public authorities must respect such decisions by National Societies.*

Paragraph (3) is also drawn from Article 3(2) of the Statutes of the Movement, which recognizes that National Societies are autonomous national organizations that cooperate with their public authorities in carrying out various humanitarian tasks, which are set out in more detail in example provision 5 below. Finally, paragraph (7) clarifies that, notwithstanding its auxiliary role, the National Society is an autonomous organization that must be able to operate in accordance with the seven Fundamental Principles of the Movement at all times, in particular, the principle of independence. This is also derived from Resolution 2 of the 30th International Conference, which emphasizes the autonomy of National Societies and underscores that they must be able to deliver their humanitarian services at all times in conformity with the Fundamental Principles.

Recognizing that in some countries, humanitarian responsibilities may be distributed across different levels (e.g. federal, regional/provincial and municipal levels), it may in some contexts be appropriate for the RC Law to designate a focal point for the National Society, which may be a ministry or agency, while acknowledging that cooperation may continue to involve multiple authorities depending on the activity concerned. However, this focal point should be designated in a sufficiently flexible manner to accommodate institutional changes.

whether acting as an auxiliary or exercising its right of humanitarian initiative outside of its agreed auxiliary role.

Note: The example provision above is new and did not appear in the original RC Model Law. It supports the implementation of Article 4(3) and (4) of the Statutes of the Movement.

Note:

When advocating for a strong RC Law that enhances the understanding of the auxiliary role, National Societies may also rely on [Resolution 4 of the 31st International Conference](#). This resolution calls upon National Societies and their respective public authorities at all levels to pursue and enhance balanced partnerships with clear and mutual responsibilities. It also encourages National Societies to initiate or pursue a dialogue, as required, with their national authorities with a view to strengthening their legal base in domestic law, in accordance with Movement standards, through sound RC Laws. This allows them to reinforce their auxiliary role in the humanitarian field and to formalize the commitment of national authorities to respect the duty and ability of National Societies to abide by the Fundamental Principles.

The example provision has been designed to support the implementation of Article 4(3) and (4) of the [Statutes of the Movement](#), which require a National Society to:

- be duly recognized by the government of its country on the basis of the Geneva Conventions and national legislation as a voluntary aid society, auxiliary to the public authorities in the humanitarian field; and*
- have an autonomous status which allows it to operate in conformity with the Fundamental Principles of the Movement.*

4. Duties of the National Society

In accordance with Article 3(1) of the [Statutes of the Movement](#), a National Society must carry out its humanitarian activities in conformity with its own statutes (which may alternatively be called “constitution” or “bylaws”) and national legislation, in pursuance of the Movement’s mission and in accordance with the Fundamental Principles. This should be clearly reflected in the RC Law, as shown in the example

Example provision

- (1) The National Society shall carry out its humanitarian activities in conformity with its own statutes and national legislation, in pursuance of the mission of the International Red Cross and Red Crescent Movement, and in accordance with the Fundamental Principles. Without limiting the scope of its duties as a component of the Red Cross and Red Crescent Movement, the National Society

provision. In order to allow a National Society to adjust its structure, activities and administration to changing needs and circumstances, the RC Law should limit itself to essential principles and leave room for the National Society itself to adapt its statutes. It is therefore not recommended to include the entire text of a National Society's statutes as part of the law.

The example provision also outlines the duty of the National Society to adhere to the provisions of the Geneva Conventions and, as applicable, their Additional Protocols, which assign it humanitarian tasks with regard to victims of armed conflicts that the States Parties and parties to conflicts must facilitate and respect, and its duty to adhere to the [Statutes of the Movement](#). In addition to these instruments, a National Society must also comply with its duties as a component of the Movement, which includes those agreed through resolutions adopted at the Movement's Statutory Meetings.⁶

National Societies in common-law countries may choose to exclude the second sentence of the example provision, in line with the distinct approach adopted in their country's legal system, which does not require an explicit reference to the documents from which obligations on National Societies arise. A general statement regarding the National Society's duties may suffice.

Note:

The example provision has been designed to support the implementation of Article 4 of the [Statutes of the Movement](#), specifically Article 4(4), (6), (9) and (10), which require a National Society to:

- have an autonomous status which allows it to operate in conformity with the Fundamental Principles of the Movement;*
- be so organized as to be able to fulfil the tasks defined in its own statutes, including the preparation in peace*

shall in particular comply with the provisions of Geneva Conventions of 12 August 1949, [and their Additional Protocols] which govern its humanitarian activities; and the Statutes of the International Red Cross and Red Crescent Movement.

[Note](#): The example provision above derives from Article 3(1) of the [Statutes of the Movement](#) as well as Articles 1 and 2 of the original RC Model Law. It supports the implementation of Article 4(4), (6), (9) and (10) of the [Statutes of the Movement](#).

⁶ This includes, for example, resolutions of the International Conference, the Council of Delegates (CoD) and the IFRC General Assembly as well as relevant policies, strategies and other instruments adopted in these fora, such as the [Principles and Rules for Red Cross and Red Crescent Humanitarian Assistance](#), the [Statement on Integrity of the International Red Cross and Red Crescent Movement](#) and the [IFRC Constitution](#).

time for its statutory tasks in case of armed conflict;

- adhere to the [Statutes of the Movement](#), share in the fellowship which unites the components of the Movement and cooperate with them; and
- respect the Fundamental Principles of the Movement and be guided in its work by the principles of international humanitarian law.

5. Object and activities of the National Society

It is important for the RC Law to clearly identify a National Society's object/mission. This should be done using similar language to that used in the description of the Movement's mission in the Preamble to the [Statutes of the Movement](#) and in the description of National Societies in Article 3 of the [Statutes of the Movement](#). It can be further defined in its own statutes.⁷ Paragraph (1) of the example provision shows how the language from the Preamble and the wording of Article 3 of the [Statutes of the Movement](#) can be used to create a clear and succinct description of a National Society's object/mission.

It is also beneficial for the RC Law to include a description of the National Society's key activities, which are context-specific and will therefore differ from country to country. This creates a legal mandate for the National Society to carry them out. Paragraph (2) of the example provision shows how this can be done, while paragraph (3) is a "catch-all", providing that the National Society also carries out the humanitarian functions defined in its statutes, domestic laws, international treaties, International Conference resolutions and separate agreements concluded with the public authorities (such as memorandums of understanding).

In addition to the above elements, it is a good idea for the RC Law to provide for the public authorities to invite representatives of the National Society to participate in relevant coordination and information-sharing

Example provision

- (1) The object of the National Society is to:
 - (a) render assistance to the medical services of the armed forces in times of armed conflict;
 - (b) prevent and alleviate human suffering wherever it may be found with complete impartiality, making no discrimination as to nationality, race, gender, religious beliefs, class or political opinions;
 - (c) protect life and health and ensure respect for the human being;
 - (d) work for the prevention of disease and for the promotion of health and social welfare; and
 - (e) encourage voluntary service and a universal sense of solidarity towards all those in need of its protection and assistance.
- (2) In pursuit of its object and/or in fulfilment of the auxiliary role, the National Society implements activities which may include but are not limited to:
 - (a) preventing disease, promoting health and mitigating human suffering by their own programmes in such fields as education, health and social welfare, for the benefit of the community;
 - (b) organizing emergency relief operations and other services to assist the victims of armed conflicts, disasters and other emergencies;
 - (c) promoting and supporting the government in promoting the principles and ideals of the International Red Cross and Red Crescent Movement and international humanitarian law,

⁷ See [Guidance for National Society Statutes \(2018\)](#), Standard 1.3.

mechanisms. Inclusion in such mechanisms allows the National Society to coordinate with government actors and to represent and advocate for the needs of the most vulnerable. Paragraph (4) of the example provision shows how this can be done.

Note:

The example provision supports the implementation of Article 4(6) of the [Statutes of the Movement](#), which requires a National Society to be so organized as to be able to fulfil the tasks defined in its own statutes, including the preparation in peace time for its statutory tasks in case of armed conflict.

This provision is also aligned with [Resolution 2 of the 30th International Conference](#), which invites National Societies and governments to clarify and consolidate the areas in which National Societies as auxiliaries cooperate at all levels with the public authorities. The description of the National Society's activities in paragraph (2)(a) to (c) is derived from Article 3(2) of the [Statutes of the Movement](#).

Additional functions have also been assigned to National Societies through various resolutions of the International Conference. The activities described in paragraph (2)(d) are derived from [Resolution 3 of the 34th International Conference](#). The activities described in paragraph (2)(e) are inspired by [Resolution 15 of the 25th International Conference](#) and [Resolution 4 of the 33rd International Conference](#).⁸

However, it should be noted that not all of the activities listed in paragraph (2) are relevant for all National Societies and that the inclusion of a list of activities may not be appropriate in all legal systems and contexts. On the other hand, National Societies may undertake additional key activities not listed in the example provision, such as activities related to migration and peace promotion. Therefore, the example provision should be viewed as a menu of options to be tailored to the particular country context, although it is critical that it be general and non-exhaustive

and work together with the government to uphold these laws and ensure the protection of distinctive emblems recognized by the Geneva Conventions of 1949[, and their Additional Protocols];

- (d) conducting research, advising and supporting public authorities in strengthening legal and regulatory frameworks relevant to disaster risk management;
 - (e) carrying out Restoring Family Links activities, such as tracing, facilitating family contacts and supporting family reunification; and
 - (f) cooperating with relevant public authorities in preparations for the International Conference of the Red Cross and Red Crescent as well as the implementation of its resolutions.
- (3) The National Society shall also carry out the functions defined in its statutes, international treaties and instruments which [country name] has ratified, the resolutions of the International Conference of the Red Cross and Red Crescent and separate agreements concluded with public authorities of [country].
- (4) In order to facilitate the activities identified in paragraph (2) above, the public authorities should invite representatives of the National Society to participate in relevant coordination mechanisms.

Note: The example provision above builds on Article 3 of the original RC Model Law. Paragraphs (1) and (3) are expanded versions of existing paragraphs, while paragraphs (2) and (4) are new. The example provision supports the implementation of Article 4(6) of the Statutes of the Movement.

⁸ These activities are also aligned with the Movement's strategy on restoring family links 2020–2025, adopted by CoD Resolution [CD/19/R6 in 2019](#). In 2024, the strategy was extended until 2030 through CoD Resolution [CD/24/R6](#).

to prevent the descriptions from becoming outdated and to ensure the National Society can conduct new activities that are consistent with its object/mission and the Fundamental Principles.

6. Emblem protection

The Movement has three distinctive emblems: a red cross, crescent or crystal on a white ground. The use of the emblems and their respective designations (names) is governed by the Geneva Conventions of 1949 and their Additional Protocols of 1977 and 2005 as well as by the 1991 Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies. These instruments require the High Contracting Parties to take measures necessary for the prevention and repression, at all times, of any abuse or misuse of the emblems. Several resolutions of the International Conference, such as Resolution 3 of the 30th International Conference (2007), Resolution 5 of the 31st International Conference (2011) and Resolution 1 of the 34th International Conference (2024), reaffirm the obligation to prevent and repress misuse of the emblem and call for its implementation in national law.⁹

In some countries, there is a specific law regulating use and addressing misuse of the distinctive emblems and designations. Where this is the case, it is recommended to mention the law in question in paragraph (1).

In the absence of any such emblem protection legislation, it is important for the RC Law to contain a provision that: (a) authorizes the National Society to use as its emblem the red cross/crescent/crystal on a white ground in accordance with international law; (b) prohibits any other use of the emblem that is inconsistent with the requirements of the Geneva Conventions of 1949 and other relevant international law instruments; and (c) establishes penalties for misuse of the emblem.

Example provision

- (1) The National Society shall be authorised to use as its emblem a [red cross/red crescent/red crystal] on a white ground in conformity with and for all the purposes foreseen, both protective and indicative, by the Geneva Conventions of 1949 [and their Additional Protocols], the Regulations on the Use of the Emblem by National Societies adopted by the International Conference of the Red Cross and Red Crescent as well as other resolutions of the International Conference of the Red Cross and Red Crescent, [and] the present [Act/Law] [and “name of the specific (emblem) law”].
- (2) Any use of the emblem of the red cross, red crescent and/or red crystal other than foreseen in the Geneva Conventions of 1949 [and their Additional Protocols] or in paragraph (1), is prohibited [and will be subject to a penalty of [description of penalty] [in conformity with [the relevant provision of the penal code or a specific law prohibiting misuse of the emblem]].

Note: The example provision above is almost identical to Article 6 of the original RC Model Law. It supports the implementation of Article 4(5) of the Statutes of the Movement.

⁹ See [Resolution 3 of the 30th International Conference \(2007\)](#) (page 46 of the conference report); [Resolution 5 of the 31st International Conference \(2011\)](#) (page 35 of the conference report); [Resolution 1 of the 34th International Conference \(2024\)](#).

The example provision reflects the minimum legal protection of the emblem. Square brackets are used to indicate elements of the provision that will need to be completed with reference to the country context.

It is recommended, however, that governments enact proper and detailed legislation on the use of the emblems recognized in the Geneva Conventions. The ICRC has developed a [Model law concerning the use and protection of the emblem of the red cross, red crescent and the red crystal](#). This valuable tool may be used to support the development of a dedicated emblem protection law or, alternatively, a more detailed emblem provision in the RC Law to further strengthen protection of the emblems in domestic contexts.

Note:

The example provision has been designed to support the implementation of Article 4(5) of the [Statutes of the Movement](#), which requires a National Society to use a name and distinctive emblem in conformity with the Geneva Conventions of 1949 and their Additional Protocols.

Part 2: Additional elements

7. Financial transactions

In order to operate efficiently, a National Society must be able to perform key financial transactions. It must be able to: (a) acquire and dispose of property; (b) receive and administer funding; and (c) establish funds or other financial mechanisms for its own use. The example provision is designed to ensure that the National Society can perform these key financial transactions, subject to the provisions of relevant instruments. For example, the [Movement Policy for Corporate Sector Partnerships](#) adopted through [Resolution 10](#) of the Council of Delegates in 2005, places limitations on the contributions that may be accepted from private-sector entities.

Example provision

- (1) The National Society, within the limits laid down by its object and functions, may acquire, own, alienate or dispose of, and administer property as it deems fit. It may accept any conveyance of property for its use or benefit.
- (2) The National Society may, in accordance with its object and functions and subject to applicable resolutions of the International Red Cross and Red Crescent Movement, accept unrestricted contributions and assistance in any form from individuals, the public authorities and private or public bodies. It may accept as agent or trustee funds or property in trust or earmarked for particular use, provided that such use is within the general scope of its object and functions.

Note:

It may not always be necessary to include this type of provision in the RC Law. In some cases, the fact of having legal personality (see Element 1 above) automatically means that a National Society can perform these functions.

- (3) The National Society may constitute and administer any reserve, insurance or other funds for its staff or any of its activities, subject to applicable laws in this regard.

[Note: The example provision above draws from Article 5\(1\), \(2\) and \(3\) of the original RC Model Law.](#)

8. Funding

In order to fulfil its objective, implement its key activities and ensure institutional sustainability, a National Society needs a reliable and adequate stream of funding. It is therefore important to include in the RC Law a provision addressing the nature of the funding that the National Society may receive from its public authorities. This will be highly context-dependent and should be tailored to the specific country's laws and legal system – what is feasible and appropriate will vary from one country to another. The provision on the right is only one example of how to address funding in the RC Law.

It is important to recall, as outlined in paragraph (3), that financial support from public authorities must not compromise the autonomy of a National Society or its ability to act in accordance with the Fundamental Principles. One way to help safeguard this autonomy is for public authorities to provide funding that is, as far as possible, unearmarked, allowing National Societies the flexibility to allocate resources according to identified needs and priorities.

The rationale for the example provision is that it is appropriate for the public authorities to cover the costs of activities that they have entrusted to the National Society as part of its auxiliary role (as opposed to other activities that the National Society undertakes of its own volition). This is because, by definition, activities performed as part of the auxiliary role supplement or substitute for the public authorities' own humanitarian services. At the same time, the language used in this provision attempts to reflect the recognition that the public authorities may be unable to meet the humanitarian needs of the affected population, particularly in times of crisis. In such circumstances, assistance from

Example provision

- (1) The public authorities shall consider making provisions for the covering of the cost of any service or activity which they may entrust to the National Society within the scope of the National Society's object, functions and the Fundamental Principles, as well as for the cost of maintaining property transferred by the public authorities of [country name] to the National Society. The conditions for the implementation of such services or activities shall be laid down in agreements between the National Society and the relevant public authority.
- (2) The public authorities shall consider making provision in the annual budget for the National Society. This may include funds for the implementation of activities entrusted to the National Society as auxiliary, or otherwise.
- (3) The provision of funding by the public authorities to the National Society shall in no way influence the autonomy of the National Society and its ability to act in accordance with the Fundamental Principles at all times.

[Note: Paragraphs \(1\) and \(2\) of the example provision above expand on Article 5\(6\) of the original RC Model Law to provide the National Society with a stronger legal entitlement to funding. Paragraph \(3\) is new and aims to ensure that respect for the Principle of Independence and, in particular, the autonomy of the National Society is maintained.](#)

a National Society, which has access to sources of funding through the Movement, may be particularly useful and important.

Note:

The example provision is based on the recommendations in the [Auxiliary Role Guide](#) drawn from research which found that some National Societies have provisions relating to access to funding in their RC Laws.

When advocating to include a similar provision in its RC Law, a National Society may also rely on [Resolution 4 of the 31st International Conference](#). This resolution was adopted by all parties to the International Conference, including 192 States. It encourages relevant government departments to provide a predictable and regular flow of resources adapted to the operational needs of their National Societies. Further, it stresses the importance of long-term government support and funding for National Societies.

9. Humanitarian access and freedom of movement

During armed conflicts, disasters or other crises, governments often introduce restrictions on freedom of movement. They may, for example, declare no-go zones, introduce curfews or even complete lockdowns or restrict access to areas that are not under government control. Moreover, even during “normal times”, governments may restrict or prevent access to certain populations, such as people held in prison or places of detention, migrants or marginalized communities.

It is important for the RC Law to include a provision ensuring the National Society’s humanitarian access and freedom of movement at all times in line with the Fundamental Principles. The example provision provides a template which can be adapted to the country context depending on what is necessary, feasible and appropriate.

Example provision

- (1) In fulfilment of its humanitarian objects, the National Society shall be permitted to move freely throughout [country name] and access persons in need of humanitarian assistance at all times in accordance with the Fundamental Principles.
- (2) The public authorities of [country name] shall facilitate the National Society’s rapid and unhindered access to persons in need of humanitarian assistance, including by facilitating the use of logistics infrastructure for this purpose.
- (3) The National Society shall be exempt from any restrictions on freedom of movement introduced during armed conflicts, as well as in disasters or other crises, in accordance with relevant and applicable international law, notably international humanitarian law.

[Note:](#) The example provision above is new and did not appear in the original RC Model Law.

Note:

The example provision is based on the recommendations in the [Auxiliary Role Guide](#) drawn from research which found that some National Societies have provisions relating to access in their RC Laws.

When advocating to include a similar provision in its RC Law, a National Society may also rely on [Resolution 4 of the 31st International Conference](#), which calls on States to create conditions for more favourable and effective access by National Societies to people in need and encourages public authorities to ensure safe access for Red Cross and Red Crescent volunteers to all vulnerable groups in their respective countries. In addition, although only applicable in armed conflicts, international humanitarian law includes rules which aim to facilitate the delivery of humanitarian assistance to civilians.¹⁰

10. Legal facilities to support objectives and activities

The term “legal facilities” refers to special legal rights that are provided to an organization to enable it to conduct operations efficiently and effectively. Legal facilities often take the form of exemptions from a law or legal requirement that would otherwise apply or access to simplified and expedited regulatory processes. The granting of legal facilities to support the objectives and activities of National Societies has been called for in resolutions of the International Conference for over 100 years and is provided for under international humanitarian law in situations of armed conflict.¹¹

Example provision

- (1) The Public Authorities shall cooperate with the components of the International Red Cross and Red Crescent Movement in accordance with the Geneva Conventions [and their Additional Protocols], the Statutes of the International Red Cross and Red Crescent Movement and the resolutions of the International Conference of the Red Cross and Red Crescent.
- (2) In particular, the public authorities shall facilitate the performance of the activities by the National Society, including by providing access to relevant information, if necessary, and responding to any inquiries the National Society may make, unless specifically prohibited by laws and regulations.

¹⁰ See the [Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949](#), Article 23; and the [First Additional Protocol relating to the Protection of Victims of International Armed Conflicts of 1977](#), Article 70(2).

¹¹ See the following resolutions of the International Conference: [Resolution IV of the 9th International Conference \(1912\)](#) requesting States to make legal provision for according privileges and rights to National Societies, such as exemption from taxes and fiscal charges, postal and telegraphic charges, customs duties and others; [Resolution XXVI of the 15th International Conference \(1934\)](#) (page 247 of the conference report, in French); [Resolution XVII of the 17th International Conference \(1948\)](#) urging governments to

The example provision provides the National Society with the right to obtain the legal facilities it may need to support its activities in non-crisis settings as well as in times of crisis.

Paragraph (1) of the example provision was inspired by Article 2(1) of the [Statutes of the Movement](#). Paragraph (2) of the example provision was inspired by [Resolution 4 of the 31st International Conference](#), which calls upon National Societies and their respective public authorities at all levels to pursue and enhance balanced partnerships with clear and mutual responsibilities. Paragraphs (3) and (4) of the example provision identify specific legal facilities that experience has shown to be highly beneficial for National Societies.

Fiscal facilities, such as the tax exemptions proposed in paragraph (3)(a), (b) and (c), are crucial for enabling National Societies to stretch scarce resources as far as possible in order to fulfil their objectives and meet the needs of the most vulnerable.

In the absence of other legislation that guarantees the National Society fiscal privileges, the provision should grant it a very broad tax exemption that encompasses all types of taxes and duties and applies to all of the National Society's activities, including any income-generating activities. The reason for this is that National Societies often use income-generating activities to fund their non-profit activities or

- (3) Without limiting the scope of paragraph (2), the legal facilities provided to the National Society shall also include:
 - (a) exemption from any applicable taxes and duties in relation to the assets of the National Society, including its financial resources, real estate and revenue from its income-generating activities;
 - (b) exemption from any applicable taxes and duties in relation to donations made to the National Society by any individual or legal entity. For the avoidance of doubt, this exemption applies to bequests made through a will or other estate legal mechanisms;
 - (c) exemption from any restrictions on transferring cash and/or foreign currencies into the country;
 - (d) exemption from any duties, taxes, tariffs or governmental fees associated with the import of relief items;
 - (e) exemption from import restrictions in relation to the import of relief items;
 - (f) exemption from financial and trade sanctions, export restrictions, and counter terrorism measures in relation to humanitarian activities;
 - (g) simplified and expedited customs clearance, including priority clearance and waived or reduced inspection requirements;
 - (h) permission to re-export relief items and equipment not used during a response operation;

grant National Societies all facilities for the exercise of their activity both in times of peace and times of war, particularly with regard to the movement of their personnel, the transmission of their correspondence and the transfer of their relief supplies and their funds, and likewise to grant them exemption from taxes and customs, postal and transport duties (page 91 of the conference report); [Resolution XVI of the 20th International Conference \(1965\)](#) recommending governments to consider appropriate ways and means by which the costs of telecommunications in emergencies incurred by the Red Cross could be reduced or covered (page 103 of the conference report); [Resolution XXVI of the 21st International Conference \(1969\)](#) requesting States to exercise their sovereign and other legal rights so as to facilitate the transit, admission and distribution of relief supplies provided by impartial international humanitarian organizations for the benefit of civilian populations in disaster areas (page 107 of the conference report); [Resolution V of the 23rd International Conference \(1977\)](#) calling on National Societies to obtain from their government the assurance that relief personnel will be given the advantage of simplified entry formalities, such as visa waivers, issue of visas at points of entry or any other facility enabling such personnel to fulfil their mission without delay, while respecting local legislation, and requesting the National Society launching the appeal to inform the League of the measures taken by the government in this respect; [Resolution VI of the 23rd International Conference \(1977\)](#) urging implementation of the League-UNDRO recommendations for the movement of international relief supplies and setting out recommendations (A to M) on waiving requirements for transit, visas, import and export licences, consular certificates of origin and invoices and on designating a single national relief authority; [Resolution V of the 26th International Conference \(1995\)](#) calling upon States to help create a beneficial environment for the overall development of National Societies in their own countries, by providing, for example, financial and fiscal benefits or other arrangements that recognize the not-for-profit nature of National Societies and their role as auxiliaries to the public authorities (page 129 of the conference report); and [Resolution 4 of the 31st International Conference \(2011\)](#) calling on States to create conditions for more favourable and effective access by National Societies to people in need.

operational costs. It is also important for the provision to state that donations made to the National Society are tax exempt. This encourages donations, thereby increasing the amount of resources available to National Societies.

The remaining legal facilities mainly address the cross-border movement of goods, personnel and equipment as well as their operation/use once in the country.

It should be noted that some of the legal facilities proposed in this provision may not be necessary, appropriate or feasible depending on the country context and legal system. Therefore, the example provision should be viewed as a menu of options, whose inclusion in a RC Law should take into account and be tailored to the country's particular context, existing laws and legal system.

Note:

The legal facilities included in the example provision are based on several International Conference resolutions which have called for States to provide legal facilities to National Societies for over a century.¹² For example, [Resolution IV of the 9th International Conference](#) held in 1912 requests States to make legal provision for according privileges and rights to Red Cross Societies, such as exemption from taxes and fiscal charges, postal and telegraphic charges, customs duties and others. In addition, [Resolution XVII of the 17th International Conference](#) held in 1948 urges governments to grant National Societies facilities, including exemption from all taxes and customs, postal and transport duties. [Resolution V of the 26th International Conference](#) held in 1995 calls upon States to help create a beneficial environment for the overall development of National Societies in their own countries, by providing, for example, financial and fiscal benefits or other arrangements that recognize the not-for-profit nature of National Societies and their role as auxiliaries to the public authorities. These resolutions may be relied upon by National Societies when advocating for such

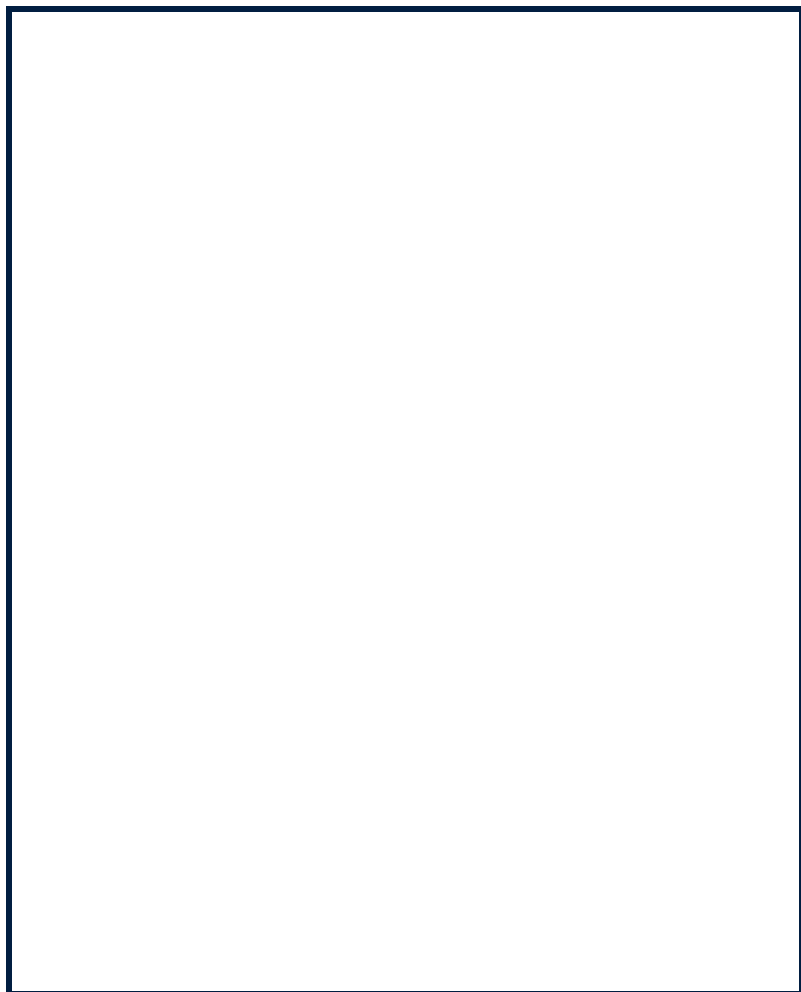
- (i) priority permission for the departure and arrival of land, marine and air vehicles carrying relief items and equipment;
 - (j) preferential rates for public services [such as water, electricity, internet services and fuel]; and
 - (k) waiver of licensing requirements and fees for the use of imported vehicles, telecommunications equipment and other specialized items.
- (4) Relief personnel from within the International Red Cross and Red Crescent Movement who are entering [country name] to assist the National Society in its emergency response shall be entitled to:
- (a) expedited visa processing or exemption from visa requirements; and
 - (b) expedited procedures for the temporary recognition of foreign professional qualifications.

Note: Paragraph 2(a) and (b) of the example provision above are from the original RC Model Law. The second sentence of paragraph (2)(b) is new and seeks to provide greater clarity regarding bequests. The remaining text of the example provision is new and did not appear in the original RC Model Law.

¹² Ibid.

a provision to be included in their RC Law.¹³ [Resolution 7 of the 33rd International Conference](#) encourages States to integrate innovative approaches to disaster risk management into their laws, policies, strategies and plans, including facilitating the use of cash and voucher programmes. Example paragraph (2) (f) was inspired by [United Nations Security Council Resolution 2664 of 9 December 2022](#) – which provides a “humanitarian carve-out” from financial sanctions imposed under United Nations sanctions regimes, aiming to ensure that sanctions do not impede the delivery of humanitarian assistance – and also by relevant provisions of international humanitarian law.¹⁴

Chapter 4 of the [Auxiliary Role Guide](#) provides additional guidance on legal facilities relevant to National Society activities in five key areas: (a) staff and volunteers; (b) tax; (c) funding; (d) access and freedom of movement; and (e) disaster-related goods, equipment and personnel. It also provides good practice examples from around the world in these areas.



11. Legal facilities for staff and volunteers

Staff and volunteers are the engine of National Societies. It is therefore imperative to protect and incentivize them. The example provision identifies five key legal facilities that can be included in the RC Law to enhance the protection of a National Society's staff and volunteers.

Similar to the provision directly above, it should be noted that some of the legal facilities proposed in this provision may not be necessary, appropriate or feasible depending on the country context and legal system. Therefore, the example provision should be viewed as a menu of options and that their

Example provision

- (1) National Society staff members and volunteers shall be entitled to government-funded medical care in the event of illness or injury sustained in the course of their official duties.
- (2) National Society staff members and volunteers shall be covered by a government-funded insurance scheme in the event of permanent injury, disability or death sustained in the course of their official duties.
- (3) In a declared emergency, employers shall release employees that are volunteers of the National Society for up to [X] days of emergency service, when feasible considering the nature of the employee's position.

¹³ See also the recommendations in the tools adopted, endorsed and recognized respectively by [Resolution 4 of the 30th International Conference \(2007\)](#), [Resolution 7 of the 33rd International Conference \(2019\)](#) and [Resolution 3 of the 34th International Conference \(2024\)](#).

¹⁴ For the relevant international humanitarian law provisions and further information, see ICRC, [Humanitarian Exemptions in Domestic Counterterrorism Legislation](#).

inclusion in a RC Law should take into account and be tailored to the particular country context, existing laws and legal system.

Note:

The example provision is based on [Resolution 4 of the 31st International Conference](#) and the [Auxiliary Role Guide](#). Resolution 4 notes the importance of legal recognition of volunteers and appropriate protection, including clarity in responsibilities and liabilities and assurances for their health and safety. It calls on public authorities to create and maintain an enabling environment for volunteering, including by reviewing and strengthening national laws and policies.

When advocating for the legal facilities in the example provision, National Societies may rely on Resolution 4. They may also make the following two points:

- First, when acting within their auxiliary role, National Societies are supplementing the government's own humanitarian services. It is logical for governments to support these activities by granting special legal rights and exemptions for National Society staff and volunteers.*
- Second, it is important to incentivize and protect National Society staff and volunteers in light of the importance of their work and the fact that they may be performing dangerous tasks that involve a risk of personal injury or even death.*

Volunteers shall not suffer any deduction from their salary or employment benefits.

- (4) Voluntary service for the National Society shall be accepted in lieu of compulsory military service, including in times of mobilization, subject to a requirement of [X months of prior volunteer experience with the National Society].
- (5) National Society staff members and volunteers shall be exempt from legal liability for acts or omissions committed in good faith in the course of their humanitarian work.
- (6) Allowances paid to volunteers of the National Society to reimburse them for costs associated with their official duties shall be exempt from all taxes and duties.
- (7) Salary payments to staff of the National Society shall be [exempt from income tax/subject to a reduced income tax rate of X per cent].

[Note: The example provision above is new and did not appear in the original RC Model Law.](#)

12. Assistance from the International Red Cross and Red Crescent Movement

National Societies frequently provide and/or receive assistance from other components of the Movement. Instruments such as the [Principles and Rules for Red Cross and Red Crescent Humanitarian Assistance](#) govern National Societies and the IFRC in relation to international humanitarian assistance in disasters.

Example provision

- (1) In the event of a disaster, armed conflict or any other humanitarian emergency, the National Society may launch an appeal to which national and international contributions may be made.
- (2) The National Society may call for and accept, in whole or in part, assistance from the International Red Cross and Red Crescent Movement where the humanitarian

It is important for the RC Law to contain a provision addressing the prospect of the National Society requesting and receiving assistance from other components of the Movement. This provision should be consistent with the [Principles and Rules](#) and other applicable instruments governing assistance from components of the Movement and indicate the circumstances in which the National Society may request assistance from the Movement. Additionally, the provision should ensure that the National Society can request assistance from the Movement, without any requirement to obtain consent from the public authorities and regardless of whether the public authorities have accepted or requested international assistance.

Note:

The current version of the [Principles and Rules](#) was endorsed by [Resolution 7 of the 32nd International Conference in 2015](#). This resolution – which was adopted by all parties to the Conference, including States – requests States to facilitate and support the implementation of the [Principles and Rules](#). When advocating for the inclusion of such a provision, National Societies can rely on this resolution and its request for support from States.

With regard to paragraph (4) of the example provision, it should be noted that the inclusion of a provision specifying that a National Society shall not be required to obtain the consent of their public authorities in order to launch an appeal or request assistance from the Movement may not be necessary in common-law jurisdictions.

consequences of an armed conflict, disaster or other humanitarian emergency cannot be met by its resources or those of its domestic partners in a timely manner, appropriate scale or in accordance with applicable standards.

- (3) The National Society may launch an appeal or call for assistance from the International Red Cross and Red Crescent Movement irrespective of whether the public authorities of [country name] have requested or accepted international assistance.
- (4) The National Society shall not be required to obtain the consent of the public authorities of [country name] in order to launch an appeal or request assistance from the International Red Cross and Red Crescent Movement.

[Note](#): The example provision above is new and did not appear in the original RC Model Law.

13. Data protection

National Societies engage in various activities that involve personal data processing, including:

- *registration and identification – collecting personal details, biometrics and identity documents for refugees, displaced persons or disaster survivors to provide aid and legal protection;*

Example provision

- (1) In order to perform its mandate, mission and objectives as provided for under international law and under this law, the National Society is required to process personal data. This personal data processing is, accordingly, permissible and deemed to be necessary for important grounds of public interest.

- *needs assessments and surveys – gathering information on affected populations’ demographics, vulnerabilities and urgent needs to tailor humanitarian assistance;*
- *cash and voucher assistance – managing financial aid programmes that require the processing of bank details, mobile payment data and identity verification;*
- *health and medical support – handling sensitive medical data for emergency treatment, vaccination programmes, mental health support and disease surveillance;*
- *Restoring Family Links – collecting, using and sharing with others personal information to locate missing persons and reunite separated families;*
- *protection and case management – recording and processing data for vulnerable individuals, including survivors of violence and unaccompanied minors, to provide support;*
- *coordination and data sharing – sharing personal data with Movement partners, governments and other partners, including international organizations, to ensure the performance of activities linked to the mandate of the National Society and avoid any duplication of efforts; and*
- *monitoring and evaluation – collecting and analysing beneficiary data to assess programme effectiveness, improve services and ensure accountability.*

However, data protection laws in many countries place limitations on the processing and sharing of personal data, which may hinder the work of National Societies or expose them to fines and legal liability. For example, in armed conflicts, disasters and other crises, strict legal requirements can delay life-saving and medical aid, cash assistance and family reunification efforts, as compliance procedures may be too slow for urgent situations. Furthermore, in such emergency situations, obtaining fully informed

- (2) Without limiting the scope of paragraph (1) above, the National Society shall be permitted to transfer personal data to third countries, including to other National Societies, other external partners, the IFRC, ICRC, or to other international organisations, regardless of location, where this is necessary to ensure the fulfilment of the National Society’ s mandate, mission, and objectives established in international law and in this law. These transfers shall therefore not be subject to restrictions and be deemed necessary for important grounds of public interest.
- (3) Third parties shall be able to lawfully process personal data, including sharing it with the National Society, when necessary to enable the latter to perform its mandate, mission and objectives under international law and under this law.
- (4) In line with their commitment to respect the adherence of the National Society to the Fundamental Principles and the exclusively humanitarian nature of the work of the Movement, the public authorities of [country name] shall refrain from requesting, seeking access to or using personal data held by the National Society for purposes incompatible with the humanitarian nature of the work of the Movement or in a manner that would undermine the trust of the people it serves or the independence, impartiality or neutrality of the Movement.

[Note: The example provision above is new and did not appear in the original RC Model Law.](#)

and freely given consent for data processing is often difficult and may not even be practically feasible, such as for unconscious or missing individuals.

The aim of the example provision is to facilitate the work of National Societies in light of potential requirements imposed by data protection laws. Exemptions from certain data protection requirements can ensure the National Society is able to provide rapid and effective response during armed conflicts, disasters and other crises, without being hindered by the fear of fines or other penalties.

It is therefore a good idea for the RC Law to explicitly recognize that the objects and activities of National Societies are carried out in the public interest or on equivalent valid legal grounds so as to ensure Movement components can fulfil their mandates while still acting in compliance with applicable legislation. This is advisable because, in many countries, data protection laws include a clause that allows organizations to process personal data when necessary for the performance of a task carried out in the public interest (or on equivalent grounds) or in the exercise of official authority. Some countries require this public interest to be recognized by law.

Additionally, the humanitarian work of National Societies frequently involves cross-border operations and coordination with other components of the Movement and other humanitarian partners, where varying data regulations can create legal and logistical challenges. Paragraph (2) of the example provision aims to facilitate the work of National Societies in such circumstances.

Should it not be feasible to include a dedicated provision on data protection in a RC Law, consideration could be given to incorporating paragraphs (1) and (4) of the example provision in a provision providing for legal facilities to support the object and activities of the National Society. Should it not be feasible or appropriate to include a provision like this example provision in a RC Law at all, National Societies should consider advocating that their public authorities make full use of any existing flexibilities, derogations or humanitarian clauses provided for in applicable data

protection frameworks to facilitate their humanitarian work.

Note:

The activities described in paragraph (2) of the example provision are inspired by [Resolution 4 of the 33rd International Conference](#). This resolution was reaffirmed by [Resolution 2 of the 34th International Conference](#).

These resolutions and the arguments set out in the paragraphs above may be used by National Societies when advocating for the inclusion of such a provision in their RC Law.



14. Entry into force

It is important for the RC Law to contain a provision stating when it enters into force and which laws (if any) it replaces.

Example provision

(1) This [Act/Law] shall come into force on [date] and shall replace from that date [the previous law in force].

Note: The example provision above is the same as Article 7 of the original RC Model Law.

Annex 1

RC Law Assessment Questions

Set out below is a list of assessment questions developed as a tool to support National Societies in evaluating their existing RC Laws or draft RC Laws against the provisions of the revised Model Law and in identifying potential areas for improvement.

KEY ELEMENTS

1. Nature of the National Society:

- a. Does the National Society have a dedicated RC Law?
- b. Does the RC Law recognize the auxiliary role of the National Society?
- c. Does the RC Law establish that it is the *only* National Society in the country?
- d. Does the RC Law establish that the National Society carries out its activities in the *entire territory* of the country?
- e. Does the RC Law grant the National Society legal personality?
- f. Does the RC Law recognize that the National Society is a component of the International Red Cross and Red Crescent Movement (Movement)?

2. Fundamental Principles:

- a. Does the RC Law require the National Society to respect and be guided by the seven Fundamental Principles of the Movement at all times?
- b. Does the RC Law set out the seven Fundamental Principles in full?
- c. Does the RC Law require the public authorities to respect the National Society's adherence to the Fundamental Principles and decisions taken by the National Society on that basis?

3. Auxiliary role:

- a. Does the RC Law contain a definition of the auxiliary role that is consistent with Resolution 2 of the 30th International Conference of the Red Cross and Red Crescent (International Conference)?
- b. Does the RC Law recognize that the public authorities bear the primary responsibility to provide humanitarian assistance in their territory and that the primary purpose of the National Society, as an autonomous national organization auxiliary to the public authorities in the humanitarian field, is to supplement the activities of the public authorities in fulfilling this responsibility?
- c. Does the RC Law recognize the duty of the National Society to consider seriously any request by its public authorities to carry out humanitarian activities within its mandate and in accordance with the Fundamental Principles?
- d. Does the RC Law recognize that the public authorities must refrain from requesting the National Society to act in a manner that may conflict with the Fundamental Principles, the Statutes of the Movement, the National Society's mission or any of its duties or that may foreseeably harm vulnerable persons served by the National Society?
 - i. Does the RC Law acknowledge that the National Society has a duty to decline such requests?
- e. Does the RC Law acknowledge that the National Society is an autonomous national organization which must be able to operate in accordance with the seven Fundamental Principles of the Movement at all times?

- f. Does the RC Law acknowledge that the National Society retains its autonomy whether acting as an auxiliary or exercising its right of humanitarian initiative outside of its agreed auxiliary role?

4. Duties of the National Society:

- a. Does the RC Law provide that the National Society shall carry out its humanitarian activities in conformity with its own statutes and national legislation, in pursuance of the Movement's mission and in accordance with the Fundamental Principles?
- b. Does the RC Law recognize the duty of the National Society to comply with:
 - i. the provisions of the Geneva Conventions of 12 August 1949 and their Additional Protocols (if applicable) which govern their humanitarian activities; and
 - ii. the Statutes of the Movement?

5. Object and activities of the National Society:

- a. Does the RC Law contain a provision describing the National Society's object that is consistent with the Preamble to the Statutes of the Movement, including the following:
 - i. render assistance to the medical services of the armed forces in times of armed conflict;
 - ii. prevent and alleviate human suffering wherever it may be found with complete impartiality, making no discrimination as to nationality, race, gender, religious beliefs, class or political opinions;
 - iii. protect life and health and ensure respect for the human being;
 - iv. work for the prevention of disease and for the promotion of health and social welfare;
 - v. encourage voluntary service and a universal sense of solidarity towards all those in need of its protection and assistance?
- b. Does the RC Law contain a provision outlining the main activities of the National Society in a high-level and non-exhaustive manner?
- c. Does the RC Law recognize the duty of the National Society to carry out the functions defined in:
 - i. its statutes;
 - ii. international treaties and instruments that the country has ratified;
 - iii. resolutions of the International Conference; and
 - iv. separate agreements concluded with the public authorities?
- d. Does the RC Law encourage the public authorities to facilitate the activities of the National Society by inviting National Society representatives to participate in relevant coordination mechanisms?

6. Emblem protection:

- a. Does the RC Law contain a provision:
 - i. authorizing the National Society to use as its emblem the red cross/crescent/crystal on a white ground in conformity with the Geneva Conventions of 1949 (and their Additional Protocols, as applicable), the Regulations on the Use of the Emblem of the Red Cross or the Red Crescent by the National Societies, adopted by the International Conference, and other resolutions of the International Conference?
 - ii. prohibiting any other use of the emblem and establishing penalties for its misuse?

- b. If not, is there a separate law or equivalent instrument on the protection of the emblem?

ADDITIONAL ELEMENTS

7. Financial transactions:

- a. Does the RC Law recognize that the National Society may acquire, own, alienate or dispose of and administer property as it deems fit?
- b. Does the RC Law recognize that the National Society may accept unrestricted contributions and assistance?
- c. Does the RC Law empower the National Society to constitute and administer any reserve, insurance or other funds for its staff or any of its activities?

8. Funding:

- a. Does the RC Law establish that the government will consider providing funding for activities which it entrusts to the National Society?
- b. Does the RC Law establish that the government will consider providing funding to cover the cost of maintaining property transferred by the public authorities to the National Society?
- c. Does the RC Law establish that the public authorities will consider making provision in the annual budget for the National Society?
- d. Does the RC Law recognize that the provision of funding by the public authorities to the National Society will in no way influence the autonomy of the National Society and its ability to act in accordance with the Fundamental Principles at all times?

9. Humanitarian access and freedom of movement:

- a. Does the RC Law grant the National Society the legal right to move freely throughout the country and access vulnerable populations at all times?
- b. Does the RC Law facilitate the National Society's rapid and unhindered access to persons in need of humanitarian assistance, including by facilitating the use of logistics infrastructure for this purpose?
- c. Does the RC Law exempt the National Society from any restrictions on freedom of movement that may be introduced during an armed conflict in accordance with International Humanitarian Law, as well as in disasters or other crises?

10. Legal facilities to support objectives and activities:

- a. Does the RC Law establish an obligation for the public authorities to cooperate with the components of the Movement in accordance with the Geneva Conventions (and their Additional Protocols, as applicable), the Statutes of the Movement and the resolutions of the International Conference?
- b. Does the RC Law:
 - i. broadly provide for the performance of activities by the National Society to be facilitated by the public authorities, including by sharing information;
 - ii. exempt the National Society from taxes and duties in relation to its assets;
 - iii. exempt the National Society from any applicable taxes and duties in relation to donations made to the National Society;
 - iv. exempt the National Society from any restrictions on transferring cash and/or foreign currencies into the country;

- v. exempt the National Society from any duties, taxes, tariffs or governmental fees associated with the import of relief items;
- vi. exempt the National Society from import restrictions in relation to relief items;
- vii. exempt the National Society from financial and trade sanctions, export restrictions and counterterrorism measures in relation to humanitarian activities;
- viii. provide that the National Society will benefit from expedited customs clearance, including priority clearance and waived or reduced inspection requirements;
- ix. permit the National Society to re-export relief items and equipment not used during a response operation;
- x. give the National Society priority permission for the departure and arrival of land, marine and air vehicles carrying relief items and equipment;
- xi. provide waivers of licensing requirements and fees for the use of imported vehicles, telecommunications equipment and other specialized items by the National Society;
- xii. provide preferential rates for public services (such as water, electricity, internet services and fuel);
- xiii. provide expedited visa processing or visa exemptions for relief personnel from within the Movement entering or leaving the country to assist a National Society in its emergency response;
- xiv. provide expedited procedures for the temporary recognition of professional qualifications for relief personnel from within the Movement entering or leaving the country to assist a National Society in its emergency response?

11. Legal facilities for staff and volunteers:

- a. Does the RC Law entitle National Society staff and volunteers to:
 - i. access government-funded medical care in the event of illness or injury sustained in the course of working or volunteering?
 - ii. be covered by a government-funded insurance scheme in the event of illness or injury sustained in the course of working or volunteering?
- b. Does the RC Law require employers to release employees that are volunteers of the National Society for a specified number of days for emergency service?
- c. Does the RC Law provide that voluntary service for the National Society will be accepted in lieu of compulsory military service, including in times of mobilization?
- d. Does the RC Law provide that National Society staff and volunteers have limited legal liability for acts or omissions committed in good faith in the course of their humanitarian work?
- e. Does the RC Law provide exemptions from income tax for National Society staff?
- f. Does the RC Law exempt volunteering allowances from tax?

12. Assistance from the International Red Cross and Red Crescent Movement:

- a. Does the RC Law recognize the right of the National Society to launch an appeal to which national and international contributions may be made in the event of a disaster, armed conflict or other humanitarian emergency?
- b. Does the RC Law recognize the right of the National Society to call for and accept assistance from the Movement in circumstances where the humanitarian consequences of an armed conflict, disaster or other humanitarian emergency cannot be met by its resources or those of its domestic partners in a timely manner, on the required scale or in accordance with applicable standards?

- c. Does the RC Law recognize the right of the National Society to launch an appeal or call for assistance from the Movement, irrespective of whether the public authorities have requested or accepted international assistance?
- d. Does the RC Law provide that the National Society shall not be required to obtain the consent of the public authorities in order to launch an appeal or request assistance from the Movement?

13. Data protection:

- a. Does the RC Law recognize that the National Society is required to process personal data in order to perform its mandate, mission and objectives?
 - i. Does the RC Law recognize that personal data processing is, accordingly, permissible and deemed to be necessary on important grounds of public interest?
- b. Does the RC Law permit the National Society to transfer personal data to third countries, including to other National Societies, external partners, the IFRC, the ICRC and other international organizations, regardless of their location, where this is necessary to ensure the fulfilment of the National Society's mandate, mission and objectives?
 - i. Does the RC Law exempt such transfers from restrictions and deem them necessary on the grounds of public interest?
- c. Does the RC Law provide for the right of third parties to lawfully process personal data, including sharing it with the National Society, when necessary to enable the latter to perform its mandate, mission and objectives?
- d. Does the RC Law require the National Society's public authorities to refrain from requesting, seeking access to or using personal data held by the National Society for purposes incompatible with the humanitarian nature of the work of the Movement or in a manner that would undermine the trust of the people it serves or the independence, impartiality or neutrality of the Movement?