

Temple University China Health Law Project**Title:**

Law of the People's Republic of China on the Red Cross Society

Type of Document:

Statute

Effective Date:

10/31/93

Category of Document:

Public Health

Source:

Sino-American Health Law Seminar, Kunming, China, 11-12 December 2004, Reference Materials

Date Downloaded:

1/25/06

Text:

Article 1 This Law is formulated with a view to protecting the life and health of human beings, fostering humanism, promoting peace and progress, and ensuring the Red Cross Society's performance of its functions and duties in accordance with the law.

Article 2 The Red Cross Society of China is a unitary Red Cross organization of the People's Republic of China and a social relief and aid society that engages in humanitarian work.

Article 3 All citizens of the People's Republic of China who, regardless of ethnic status, race, sex, occupation, religious belief and education status, recognize the Statutes of the Red Cross Society of China and pay membership dues, may join the Society on a voluntary basis.

Article 4 The Red Cross Society of China shall abide by the Constitution and laws of China, adhere to the Fundamental Principles laid down by the International Red Cross and the Red Crescent Movement, and carry out its work independently in accordance with the Geneva Conventions and their Additional Protocols acceded to by China and the Statutes of the Red Cross Society of China.

Article 5 The people's government shall provide support and financial aid to the Red Cross Society of China, ensure the Society's performance of its functions and duties according to law, and exercise supervision over its activities; the Society shall assist the people's government in activities relevant to its own functions and duties.

Article 6 The Red Cross Society of China shall develop friendly relations and cooperation with the Red Cross Societies and the Red Crescent Societies of all countries on the principles of independence, equality and mutual respect.

Article 7 The Red Cross Society of China shall use the sign of the Red Cross against a white background.

Article 8 Local Red Cross Societies at or above the county level shall be established according to the division of the administrative areas and manned with full-time staff members according to the actual need of work.

Where necessary, the Red Cross Societies may be established in different national trades and professions.

The All-China Federation of the Red Cross Societies shall be established in the country.

Article 9 The Councils of the Red Cross Societies at various levels shall be democratically elected by respective congresses of members. The Councils shall democratically elect their Presidents and Vice Presidents.

When the congresses of members of the Red Cross Societies at various levels are not in session, the Councils thereof shall implement the decisions made by the congresses.

The Councils shall be responsible to the congresses of members, report on their work to them and accept their supervision.

The Red Cross Societies at higher levels shall direct the work of the Societies at lower levels.

Article 10 The All-China Federation of the Red Cross Societies shall have an Honorary President and several Honorary Vice-Presidents. The Honorary President and Honorary Vice-Presidents shall be invited by the Council of the Federation.

Article 11 The All-China Federation of the Red Cross Societies shall have the status of legal person as a social organization; the local Red Cross Societies at various levels and the Red Cross Societies of different trades and professions shall acquire the status of legal persons as social organizations according to law.

Article 12 The Red Cross Society shall perform the following functions and duties:

- (1) to make preparations for disaster relief; in case of natural calamities and emergencies, to offer relief and assistance to the sick, the injured and other victims;
 - (2) to disseminate knowledge about hygiene, rescue skills and disease prevention, conduct training in elementary hygiene and rescue skills, organize the masses to participate in on-the-spot rescue operations;
- participate in the work of blood transfusion and donation, promote gratuitous donation of

blood, and provide other humanitarian services;

- (3) to develop the Red Cross activities among teenagers;
- (4) to take part in international humanitarian relief work;
- (5) to propagate the Fundamental Principles of the International Red Cross and the Red Crescent Movement and the Geneva Conventions and their Additional Protocols;
- (6) to fulfil the tasks entrusted by the people's government in accordance with the Fundamental Principles of the International Red Cross and the Red Crescent Movement; and
- (7) to conduct its work in accordance with the relevant provisions of the Geneva Conventions and their Additional Protocols.

Article 13 The Red Cross Society of China shall have the right to dispose of the relief goods and materials accepted; and in disposing of the contributed money and goods, it shall honour the wishes of the donors.

Article 14 In conducting relief operations during natural calamities and emergencies, personnel, goods and materials, and transportation vehicles marked with the sign of the Red Cross shall enjoy the priority of passage.

Article 15 No organization or individual shall refuse or obstruct the staff of the Red Cross Society to perform their functions and duties according to law.

In case of natural calamities and emergencies, anyone who obstructs, by resorting to violence or threat, the staff of the Red Cross Society to perform their functions and duties according to law shall be investigated for criminal responsibility by applying mutatis mutandis the provisions of Article 157 of the Criminal Law; anyone who obstructs, without resorting to violence or threat, the staff of the Red Cross Society to perform their functions and duties according to law, shall be punished by applying mutatis mutandis the provisions of Article 19 of the Regulations on Administrative Penalties for Public Security.

Article 16 The sign of the Red Cross plays a protective role and an indicative role as well.

-

The protective role of the sign of the Red Cross is to show the personnel and equipment that must be respected and protected in armed conflicts. The sign shall be used in conformity with the relevant provisions of the Geneva Conventions and their Additional Protocols.

The indicative role of the sign of the Red- Cross is to show the personnel or goods that are involved in activities of the Red Cross. The way the sign is to be used shall be defined by the State Council.

Article 17 Where the sign of the Red Crescent is used due to religious beliefs, the provisions on the use of the sign of the Red Cross shall apply.

Article 18 In case the armed forces use the sign of the Red Cross, the relevant provisions of the Geneva Conventions and their Additional Protocols shall apply.

Article 19 Abuses of the sign of the Red Cross is prohibited.

In case the sign of the Red Cross is abused, the Red Cross Society shall have the right to demand that such -acts be ceased; in case of refusing to cease such acts, the Red Cross Society may appeal to the people's government to deal with the matter according to the provisions of relevant laws and regulations.

Article 20 The funds of the Red Cross Society come mainly from:

- (1) membership dues paid by members of the Red Cross Society;
- (2) money and goods donated by organizations and individuals at home and abroad;
- (3) incomes derived from movable and immovable property; and
- (4) appropriations of the people's government.

Article 21 The State shall support the social welfare undertakings set up by the Red Cross Society in conformity with its aims.

Article 22 The Red Cross Society may, for the purpose of extending relief and assistance, solicit contributions.

Article 23 The goods and materials donated to the Red Cross Society for the purpose of relief and public welfare undertakings may enjoy the preferential treatment of tax reduction or exemption in accordance with the relevant provisions of the State.

Article 24 The Red Cross Society shall establish a system for examining and supervising the use of its funds.

The Red Cross Society shall use its funds in conformity with its aims.

The Red Cross Society shall establish a special examination and supervision system for donations from abroad.

The Red Cross Society shall report to its Council every year on the sources and use of its funds.

Article 25 The use of the funds of the Red Cross Society shall, in accordance with the provisions of relevant laws and regulations of the State, be subjected to the examination and supervision of the people's government.

Article 26 No organization or individual shall appropriate or misuse the funds or property of the Red Cross Society.

Article 27 "The Fundamental Principles of the International Red Cross and the Red Crescent Movement" as mentioned in this Law refers to the seven fundamental principles, namely, humanity, impartiality, neutrality, independence, voluntary service,

unity and universality, laid down in the Statutes of the International Red Cross and the Red Crescent Movement adopted by the Twenty-fifth Conference of the International Red Cross in Geneva in October 1986.

“The Geneva Conventions” as mentioned in this Law refers to the four conventions concluded in Geneva on 12 August 1949 and then acceded to by the People’s Republic of China, namely, the Geneva Convention on Amelioration of the Conditions of the Wounded and the Sick in Armed Forces in the Field, the Geneva Convention on Amelioration of the Conditions of the Wounded, the Sick and Shipwrecked Members of Armed Forces, the Geneva Convention on Treatment of Prisoners of War, and the Geneva Convention on Protection of Civilians in Time of War. “The Additional Protocols” to the Geneva Conventions as mentioned in this Law refers to the Protocol Additional to the Four Geneva Conventions, concluded on 12 August 1949, Concerning the Protection- of Victims in International Armed Conflicts and the Protocol Additional to the Four Geneva Conventions on 12 October 1949, Concerning the Protection of Victims in Non-international Armed Conflicts acceded to by the People’s Republic of China on 8 June 1977.

Article 28 This Law shall come into effect as of the date of its promulgation.