|  |  |  |
| --- | --- | --- |
| 发文机关  Promulgator | ：  : | 全国人民代表大会常务委员会  The Standing Committee of the National People's Congress |
| 发布日期  Date of Issue | ：  : | 2017.02.24  2017.02.24 |
| 生效日期  Effective Date | ：  : | 2017.05.08  2017.05.08 |
| 时效性  Effectiveness | ：  : | 现行有效  Current |
| 文号  No. | ：  : | 主席令第六十三号  Presidential Decree No. 63 |

# 中华人民共和国红十字会法（2017修订）

# Law of the People’s Republic of China on the Red Cross Society (Revised in 2017)

中华人民共和国红十字会法（2017修订）

Law of the People’s Republic of China on the Red Cross Society (Revised in 2017)

主席令第六十三号

Presidential Decree No. 63

《中华人民共和国红十字会法》已由中华人民共和国第十二届全国人民代表大会常务委员会第二十六次会议于2017年2月24日修订通过，现将修订后的《中华人民共和国红十字会法》公布，自2017年5月8日起施行。

The Law of the People's Republic of China on the Red Cross Society, revised and adopted at the 26th Session of the Standing Committee of the 12th National People's Congress of the People's Republic of China on 24 February 2017, is hereby promulgated, effective as of 8 May 2017.

中华人民共和国主席 习近平

President Xi Jinping

2017年2月24日

February 24, 2017

中华人民共和国红十字会法

Law of the People’s Republic of

（1993年10月31日第八届全国人民代表大会常务委员会第四次会议通过 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》修正 2017年2月24日第十二届全国人民代表大会常务委员会第二十六次会议修订）

(Adopted at the 4th Meeting of the Standing Committee of the 8th National People's Congress on October 31, 1993; amended according to the Decision on Amending Certain Laws adopted at the 10th Meeting of the Standing Committee of the 11th National People's Congress on August 27, 2009; and revised at the 26th Meeting of the 12th National People's Congress on February 24, 2017)

第一章 总 则

Chapter 1 General Provisions

第一条   为了保护人的生命和健康，维护人的尊严，发扬人道主义精神，促进和平进步事业，保障和规范红十字会依法履行职责，制定本法。

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

第二条   中国红十字会是中华人民共和国统一的红十字组织，是从事人道主义工作的社会救助团体。

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.

第三条   中华人民共和国公民，不分民族、种族、性别、职业、宗教信仰、教育程度，承认中国红十字会章程并缴纳会费的，可以自愿参加中国红十字会。

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.

企业、事业单位及有关团体通过申请可以成为红十字会的团体会员。

Enterprises, institutions and the relevant organisations may apply to become a member of the Red Cross Society.

国家鼓励自然人、法人以及其他组织参与红十字志愿服务。

The State shall encourage natural persons, legal persons and other organizations to participate in the voluntary services of the Red Cross Societies.

国家支持在学校开展红十字青少年工作。

The State shall support Red Cross activities carried out by teenagers in schools.

第四条   中国红十字会应当遵守宪法和法律，遵循国际红十字和红新月运动确立的基本原则，依照中国批准或者加入的日内瓦公约及其附加议定书和中国红十字会章程，独立自主地开展工作。

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 ratified or acceded to by China and the Statutes of the Red Cross Society of China.

中国红十字会全国会员代表大会依法制定或者修改中国红十字会章程，章程不得与宪法和法律相抵触。

The National Congress of the Members of the Red Cross Society of China shall formulate or revise the bylaws of the Red Cross Society of China by law, such bylaws shall not contradict the Constitution or any law of China.

第五条   各级人民政府对红十字会给予支持和资助，保障红十字会依法履行职责，并对其活动进行监督。

Article 5 The people's governments at all levels shall provide the Red Cross Societies with support and financial aid, ensure the Society's performance of its functions and duties by law, and supervise over its activities.

第六条   中国红十字会根据独立、平等、互相尊重的原则，发展同各国红十字会和红新月会的友好合作关系。

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

第二章 组 织

Chapter Two Organization

第七条   全国建立中国红十字会总会。中国红十字会总会对外代表中国红十字会。

Article 7 China Red Cross Society shall be established in the country. The Red Cross Society of China stands for the Red Cross Society of China.

县级以上地方按行政区域建立地方各级红十字会，根据实际工作需要配备专职工作人员。

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.

全国性行业根据需要可以建立行业红十字会。

The Red Cross Societies may be established in the national trades according to need.

上级红十字会指导下级红十字会工作。

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

第八条   各级红十字会设立理事会、监事会。理事会、监事会由会员代表大会选举产生，向会员代表大会负责并报告工作，接受其监督。

Article 8 The Red Cross Societies at all levels shall establish their own councils and board of supervisors. The council and the board of supervisors shall be elected by the member representative assembly, and shall be responsible to and report on their work to the member representative assembly and accept their supervision.

理事会民主选举产生会长和副会长。理事会执行会员代表大会的决议。

The Council democratically elects its President and Vice-President. The Council shall implement the resolutions of the Members' Congress.

执行委员会是理事会的常设执行机构，其人员组成由理事会决定，向理事会负责并报告工作。

The executive committee shall be a standing executing agency of a Council. Its members shall be decided by the Council and report to the Council.

监事会民主推选产生监事长和副监事长。理事会、执行委员会工作受监事会监督。

The board of supervisors shall democratically elect the chief supervisor and the deputy chief supervisor. The work of the Council and its Executive Committee shall be subject to the supervision of the Board of Supervisors.

第九条   中国红十字会总会可以设名誉会长和名誉副会长。名誉会长和名誉副会长由中国红十字会总会理事会聘请。

Article 9 The All-China Federation of the Red Cross Societies may have an Honorary President and several Honorary Vice-Presidents. The Honorary President and Honorary Vice-Presidents are appointed by the Council of the Red Cross Society of China.

第十条   中国红十字会总会具有社会团体法人资格；地方各级红十字会、行业红十字会依法取得社会团体法人资格。

Article 10 The Red Cross Society of China 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 industries shall acquire the status of legal person as social organizations according to the law.

第三章 职 责

Chapter 3 Functions and Duties

第十一条   红十字会履行下列职责：

Article 11 The Red Cross Society shall perform the following duties:

（一）开展救援、救灾的相关工作，建立红十字应急救援体系。在战争、武装冲突和自然灾害、事故灾难、公共卫生事件等突发事件中，对伤病人员和其他受害者提供紧急救援和人道救助；

1. carry out work related to rescue and disaster relief and establish its emergency rescue system. Provide emergency rescue and humanitarian assistance to sick, injured and other victims in the event of wars, armed conflicts, natural disasters, accidents and public health incidents and other emergencies;

（二）开展应急救护培训，普及应急救护、防灾避险和卫生健康知识，组织志愿者参与现场救护；

2. carry out emergency rescue training, disseminate knowledge about emergency rescue, disaster prevention and health and hygiene, and organize volunteers to participate in on-the-spot rescue operations;

（三）参与、推动无偿献血、遗体和人体器官捐献工作，参与开展造血干细胞捐献的相关工作；

(III) to participate in, and promote the work of blood donation, body donation and human organ donation, and participate in the work related to the donation of hematopoietic stem cells;

（四）组织开展红十字志愿服务、红十字青少年工作；

(IV) organizing Red Cross voluntary services and activities among teenagers;

（五）参加国际人道主义救援工作；

(V) to take part in international humanitarian relief work;

（六）宣传国际红十字和红新月运动的基本原则和日内瓦公约及其附加议定书；

(VI) promoting the Fundamental Principles of the International Red Cross and the Red Crescent Movement and the Geneva Conventions and their Additional Protocols;

（七）依照国际红十字和红新月运动的基本原则，完成人民政府委托事宜；

(VII) accomplish 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

（八）依照日内瓦公约及其附加议定书的有关规定开展工作；

(VIII) conduct its work in accordance with the relevant provisions of the Geneva Conventions and their Additional Protocols;

（九）协助人民政府开展与其职责相关的其他人道主义服务活动。

(IX) to assist people's governments in other humanitarian service activities related to its functions and duties.

第十二条   在战争、武装冲突和自然灾害、事故灾难、公共卫生事件等突发事件中，执行救援、救助任务并标有红十字标志的人员、物资和交通工具有优先通行的权利。

Article 12 In conducting rescue or relief operations during wars, armed conflicts, natural calamities, accidents and disasters, public health incidents and other emergencies, personnel, goods and materials, and transportation vehicles marked with the signs of the Red Cross shall have the priority of passage.

第十三条   任何组织和个人不得阻碍红十字会工作人员依法履行救援、救助、救护职责。

Article 13 No organization or individual shall obstruct the staff of the Red Cross Society in the performance of their functions and duties of relief, aid and rescue according to law.

第四章 标志与名称

Chapter 4 Marks and Name

第十四条   中国红十字会使用白底红十字标志。

Article 14 The Red Cross Society of China shall use the sign of Red Cross against a white background.

红十字标志具有保护作用和标明作用。

The sign of Red Cross has the function of protection and indication.

红十字标志的保护使用，是标示在战争、武装冲突中必须受到尊重和保护的人员和设备、设施。其使用办法，依照日内瓦公约及其附加议定书的有关规定执行。

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

红十字标志的标明使用，是标示与红十字活动有关的人或者物。其使用办法，由国务院和中央军事委员会依据本法规定。

The indicative use of the sign of the Red Cross is to mark the persons or objects related to the activities of the Red Cross. The way the sign is to be used shall be defined by the State Council and the Central Military Commission according to this law.

第十五条   国家武装力量的医疗卫生机构使用红十字标志，应当符合日内瓦公约及其附加议定书的有关规定。

Article 15 Where the medical and health institutions of armed forces of the State use the sign of the Red Cross, such use shall be in line with relevant provisions of the Geneva Conventions and their Additional Protocols.

第十六条   红十字标志和名称受法律保护。禁止利用红十字标志和名称牟利，禁止以任何形式冒用、滥用、篡改红十字标志和名称。

Article 16 The sign and name of the Red Cross shall be protected by law. It is prohibited to use the sign and name of the Red Cross for profits or falsely use, misuse or tamper with the sign and name of the Red Cross in any form.

第五章 财产与监管

Chapter 5 Property and Regulation

第十七条   红十字会财产的主要来源：

Article 17 The property of a Red Cross Society mainly derives from:

（一）红十字会会员缴纳的会费；

1. membership dues paid by members of the Red Cross Society;

（二）境内外组织和个人捐赠的款物；

2. money and goods donated by organizations and individuals at home and abroad;

（三）动产和不动产的收入；

(III) incomes derived from movable and immovable property;

（四）人民政府的拨款；

(IV) appropriations from the people's government; and

（五）其他合法收入。

(V) Other lawful incomes.

第十八条   国家对红十字会兴办的与其宗旨相符的公益事业给予扶持。

Article 18 The State shall support the public welfare undertakings set up by the Red Cross Society in conformity with its aims.

第十九条   红十字会可以依法进行募捐活动。募捐活动应当符合《中华人民共和国慈善法》的有关规定。

Article 19 Red Cross Societies may solicit contributions by law. Such solicitation activities shall conform to the applicable provisions of the Charity Law of the People's Republic of China.

第二十条   红十字会依法接受自然人、法人以及其他组织捐赠的款物，应当向捐赠人开具由财政部门统一监（印）制的公益事业捐赠票据。捐赠人匿名或者放弃接受捐赠票据的，红十字会应当做好相关记录。

Article 20 Where the Red Cross Society accepts money and goods donated by natural persons, legal persons and other organizations in accordance with the law, it shall provide donors with the bills for public welfare donations that are uniformly manufactured (printed) by the finance department. Where a donor wishes to remain anonymous or waive the donation receipt, the Red Cross Society shall keep a record.

捐赠人依法享受税收优惠。

Donors are entitled to tax incentives in accordance with the law.

第二十一条   红十字会应当按照募捐方案、捐赠人意愿或者捐赠协议处分其接受的捐赠款物。

Article 21 Red Cross Societies shall dispose of the money or goods they receive from donations under the contribution plan, will of donors or donation agreements.

捐赠人有权查询、复制其捐赠财产管理使用的有关资料，红十字会应当及时主动向捐赠人反馈有关情况。

A donor shall have the right to inquire about and duplicate relevant materials concerning the management and use of the property donated by it, and the Red Cross Society shall take the initiative to give timely feedback to such donor.

红十字会违反募捐方案、捐赠人意愿或者捐赠协议约定的用途，滥用捐赠财产的，捐赠人有权要求其改正；拒不改正的，捐赠人可以向人民政府民政部门投诉、举报或者向人民法院提起诉讼。

In the event that a Red Cross Society misuses the donated property in violation of the contribution solicitation plan, will of the donor or the purpose agreed in the donation agreement, the donor shall have the right to request it to effect rectification; if it refuses to do so, the donor may file a complaint with or report it to the department of civil affairs under the people's government, or file a lawsuit with the people's court.

第二十二条   红十字会应当建立财务管理、内部控制、审计公开和监督检查制度。

Article 22 Red Cross Societies shall establish financial management, internal control, auditing and disclosure, and supervision and inspection systems.

红十字会的财产使用应当与其宗旨相一致。

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

红十字会对接受的境外捐赠款物，应当建立专项审查监督制度。

For the donated money and goods abroad, a Red Cross Society shall establish a special examination and supervision system.

红十字会应当及时聘请依法设立的独立第三方机构，对捐赠款物的收入和使用情况进行审计，将审计结果向红十字会理事会和监事会报告，并向社会公布。

The Red Cross Society shall retain an independent third-party institution legally established in a timely manner to audit the incomes and use of the donated money and goods, report the auditing results to its Council and Board of Supervisors, and disclose such results to the public.

第二十三条   红十字会应当建立健全信息公开制度，规范信息发布，在统一的信息平台及时向社会公布捐赠款物的收入和使用情况，接受社会监督。

Article 23 A Red Cross Society shall establish and improve its information disclosure system, regulate its information disclosure, and disclose the amount of money and goods donated as well as the use thereof through a uniform information platform to the public in a timely manner for public supervision.

第二十四条   红十字会财产的收入和使用情况依法接受人民政府审计等部门的监督。

Article 24 The Red Cross Society's property income and its use are subject to the supervision of certain departments under the people's governments, such as the audit departments in accordance with the law.

红十字会接受社会捐赠及其使用情况，依法接受人民政府民政部门的监督。

The acceptance and use by a Red Cross Society of social donations shall be subject to the supervision of the department of civil affairs under the people's government.

第二十五条   任何组织和个人不得私分、挪用、截留或者侵占红十字会的财产。

Article 25 No organization or individual may distribute without authorization, misappropriate, withhold or embezzle the property of a Red Cross Society.

第六章 法律责任

Chapter 6 Legal Liabilities

第二十六条   红十字会及其工作人员有下列情形之一的，由同级人民政府审计、民政等部门责令改正；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予处分；造成损害的，依法承担民事责任；构成犯罪的，依法追究刑事责任：

Article 26 Where the Red Cross Society and its staff fall under any of the following circumstances, the departments of audit and civil affairs under the people's government at the same level shall order it to make corrections; where the circumstance is serious, the directly liable person-in-charge and other directly liable persons shall be given sanctions according to law; where any damage is caused, civil liability shall be borne according to law; where a crime is constituted, criminal liability shall be investigated according to law:

（一）违背募捐方案、捐赠人意愿或者捐赠协议，擅自处分其接受的捐赠款物的；

1. where it disposes of donated money and goods without authorization in violation of the contributions plan, the will of donors, or the donation agreement;

（二）私分、挪用、截留或者侵占财产的；

2. Where it allots without permission, appropriates, withholds or embezzles any property;

（三）未依法向捐赠人反馈情况或者开具捐赠票据的；

(III) where it fails to give the feedback on the relevant situation or issue a donation bill to a donor according to the law;

（四）未依法对捐赠款物的收入和使用情况进行审计的；

(IV) failing to audit the incomes and use of donated money and goods according to law;

（五）未依法公开信息的；

(V) failing to disclose information in accordance with the law; or

（六）法律、法规规定的其他情形。

(VI) other circumstances stipulated by laws and regulations.

第二十七条   自然人、法人或者其他组织有下列情形之一，造成损害的，依法承担民事责任；构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任：

Article 27 Where a natural person, a legal person or any other organization falls under any of the following circumstances and causes damage to others, it shall bear civil liability according to the law; if the act constitutes a violation of public security administration, it shall be subject to public security administration punishment according to the law; if a crime is constituted, it shall be investigated for criminal liability according to the law:

（一）冒用、滥用、篡改红十字标志和名称的；

1. where it falsely uses, misuses or tampers with the sign or name of the Red Cross;

（二）利用红十字标志和名称牟利的；

(II) Where it uses the sign or name of the Red Cross to seek profits;

（三）制造、发布、传播虚假信息，损害红十字会名誉的；

(III) Where it fabricates, publishes, or disseminates false information, thereby damaging the reputation of the Red Cross Society;

（四）盗窃、损毁或者以其他方式侵害红十字会财产的；

(IV) where it steals, damages or otherwise infringes upon the property of the Red Cross Society;

（五）阻碍红十字会工作人员依法履行救援、救助、救护职责的；

(V) where it obstructs the staff of the Red Cross Society in the performance of their functions and duties of relief, aid and rescue according to law; or

（六）法律、法规规定的其他情形。

(VI) other circumstances stipulated by laws and regulations.

红十字会及其工作人员有前款第一项、第二项所列行为的，按照前款规定处罚。

Where the Red Cross Society and its staff have committed any of the acts listed in Paragraphs 1 and 2 of the preceding paragraph, they shall be punished in accordance with the provisions of the preceding paragraph.

第二十八条   各级人民政府有关部门及其工作人员在实施监督管理中滥用职权、玩忽职守、徇私舞弊的，对直接负责的主管人员和其他直接责任人员依法给予处分；构成犯罪的，依法追究刑事责任。

Article 28 Where the relevant departments of the people's governments at various levels and their staff abuse their powers, neglect their duties or engage in malpractices for personal gain during the supervision and administration, the persons who are directly in charge and the other persons who are directly liable shall be punished in accordance with the law; if a crime is constituted, criminal liability shall be pursued in accordance with the law.

第七章 附 则

Chapter 7 Supplementary Provisions

第二十九条   本法所称“国际红十字和红新月运动确立的基本原则”，是指一九八六年十月日内瓦国际红十字大会第二十五次会议通过的“国际红十字和红新月运动章程”中确立的人道、公正、中立、独立、志愿服务、统一和普遍七项基本原则。

Article 29 "The Fundamental Principles of the International Red Cross and the Red Crescent Movement" 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.

本法所称“日内瓦公约”，是指中国批准的于一九四九年八月十二日订立的日内瓦四公约，即：《改善战地武装部队伤者病者境遇之日内瓦公约》、《改善海上武装部队伤者病者及遇船难者境遇之日内瓦公约》、《关于战俘待遇之日内瓦公约》和《关于战时保护平民之日内瓦公约》。

"The Geneva Conventions" mentioned in this Law refer to the four Geneva Conventions of 12 August 1949 and then ratified 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 the Treatment of Prisoners of War, and the Geneva Convention on the Protection of Civilian Persons in Time of War.

本法所称日内瓦公约“附加议定书”，是指中国加入的于一九七七年六月八日订立的《一九四九年八月十二日日内瓦四公约关于保护国际性武装冲突受难者的附加议定书》和《一九四九年八月十二日日内瓦四公约关于保护非国际性武装冲突受难者的附加议定书》。

"The Additional Protocols" to the Geneva Conventions mentioned in this Law refers to the Protocol Additional to the Four Geneva Conventions of 12 August 1949, and relating to the Protection of Victims in International Armed Conflicts and the Protocol Additional to the Four Geneva Conventions of 12 August 1949, and relating to the Protection of Victims in Non-international Armed Conflicts acceded to by the People's Republic of China on 8 June 1977.

第三十条   本法自2017年5月8日起施行。

Article 30 The Law shall come into force as of May 8, 2017.