

**LEGAL  
AND  
GENDER & DIVERSITY**

## LEGAL POLICIES

### 1. Introduction

- 1.1. The establishment of the Malaysian Red Crescent as a National Society is the result of Malaysia ratifying the Geneva Conventions of 1949. It was for this reason that the Malaysian Red Crescent was created under an Act of Parliament. This would make the Malaysian Red Crescent a statutory body. Similar to other statutory bodies, there are limits which defines the scope of power and duties of the Malaysian Red Crescent. Additionally, the Malaysian Red Crescent Society is also an auxiliary to the Malaysian government because of the legal base.

### 2. Purpose.

- 2.1. The Malaysian Red Crescent Society is a voluntary aid society, auxiliary to the public authorities in the humanitarian field, recognised and authorised on the basis of the Geneva Conventions to render assistance to the medical services of the armed forces in times of armed conflict.

### 3. Objective.

- 3.1 In addition to rendering assistance to the medical services of the armed forces in times of armed conflict, the object of the Society is to prevent and alleviate human suffering with complete impartiality, making no discrimination as to nationality, race, gender, religious beliefs, class or political opinions.

### 4. Scope.

- 4.1 In order to achieve its object as defined in the previous paragraph, the Malaysian Red Crescent Society shall carry out the functions as defined in its statutes, international treaties to which Malaysia is a party and the resolutions of the International Conference of the Red Cross and Red Crescent Movement.
- 4.2 The Malaysian Red Crescent Society shall comply with its duties as a component of the International Red Cross and Red Crescent Movement

and as a member of the International Federation of Red Cross and Red Crescent Societies.

- 4.3 The Malaysian Red Crescent Society shall act in conformity with the Geneva Conventions, the laws of Malaysia and the Fundamental Principles of the International Red Cross and Red Crescent Movement adopted by the International Conference of the Red Cross and Red Crescent Movement.
- 4.4 The Malaysian Red Crescent Society shall act in accordance with the Statutes of the Red Cross and Red Crescent Movement.
- 4.5 The Malaysian Red Crescent as a member of the International Federation of the Red Cross and Red Crescent Societies are bound by the Resolutions of the Red Cross and Red Crescent movement. This would include the implementation of the resolutions concerned.
- 4.6 The Malaysian Red Crescent as a member of the International Federation of the Red Cross and Red Crescent movement are also empowered to act in accordance to the pledges made during the International Conference of the Red Cross and Red Crescent Movement.
- 4.7 The Malaysian Red Crescent Society is the only Red Cross or Red Crescent Society in Malaysia. It carries out its activities on the entire territory of Malaysia.
- 4.8 The Malaysian Red Crescent is at all times entitled to respect by the public authorities for adhering to the Fundamental Principles of the International Red Cross and Red Crescent Movement. This is as required by resolution 55(1) of the General Assembly of the United Nations 1946.

## **5. Policy statements.**

### **5.1 Malaysian Red Crescent as a legal entity in Malaysia.**

- 5.1.1 The Malaysian Red Crescent Society is a corporate body with legal personality.

### **5.2 International Humanitarian Law.**

5.2.1 The Malaysian Red Crescent Society shall in its auxiliary function support the government in the development and the promotion of legislation pertaining to International Humanitarian Law. This would include pledges made at International Conferences pertaining to Disaster Law and International Humanitarian Law.

5.2.2 In relation to International Humanitarian Law, the Malaysian Red Crescent Society shall in its auxiliary function support the government of Malaysia and any relevant government ministries, authorities and other non-governmental organisations, private entities or individuals in the development, promotion and dissemination of International Humanitarian Law.

### **5.3 Disaster Law**

5.3.1 The Malaysian Red Crescent Society shall in its auxiliary function support the government in the development and the promotion of legislation pertaining to Disaster law. This would include pledges made at International Conferences pertaining to Disaster Law and International Humanitarian Law.

5.3.2 In relation to Disaster Law, which is a recent development in the country, the Malaysian Red Crescent Society shall in its auxiliary function support the government of Malaysia and any relevant government ministries, and other non-governmental organisations, private entities or individuals in the development, promotion and dissemination of Disaster Law and any of its kits and tools, especially that which is introduced by the International Red Cross and Red Crescent Movement. Malaysian Red Crescent Society is currently complying to Directive 20 of the National Security Council.

### **5.4 Dissemination**

5.4.1 Dissemination of legal base, policy guidelines, emblem laws and Fundamental Principles to branches and chapters of the Malaysian Red Crescent is a priority with a review of the Malaysian Red Crescent Society's Incorporation Act of 1967 and the emblem law to afford better protection.

- 5.4.2 The dissemination of the policies is key to its achievement. They are aspirations of the Malaysian Red Crescent Society.
- 5.4.3 Dissemination to the branches and chapters can include online dissemination and other effective means of communication.
- 5.4.4 The Malaysian Red Crescent Society branches may invite experts on legal base and Fundamental Principles from the national headquarters to disseminate to branches and chapters concerned subject to finance and manpower capacity.
- 5.4.5 The Malaysian Red Crescent Society, with the support of the Movement, may strengthen and disseminate, understanding of the Fundamental Principles to stakeholders concerned.
- 5.4.6 The Malaysian Red Crescent Society shall review the Malaysian Red Crescent Society Corporation Rules of 2001, the Malaysian Red Crescent (Incorporation) Act 1965, the Malaysian Red Cross (Change of Name) Act 1975 and the emblem laws on an urgent basis within two years. The review of the Malaysian Red Crescent Society Corporation Rules of 2001 should be completed by the end of 2016 with subsequent review every ten years.
- 5.4.7 Participants of all international meetings especially the International Conference of the Red Cross and Red Crescent Movement and other Movement statutory meetings should submit a brief report to the Secretariat for circulation to all branches and chapters.
- 5.4.8 The Malaysian Red Crescent Society with the support of the Movement, is to conduct legal literacy programmes for all levels including governance.