



ICRC

## ADVISORY SERVICE

### ON INTERNATIONAL HUMANITARIAN LAW

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# The Protection of the Red Cross, Red Crescent and Red Crystal Emblems

When placed against a white background, the red cross and red crescent are two of the very few symbols which are immediately recognised by people throughout the world. Although originally created to identify the medical services of the armed forces and allow the protection of the sick and wounded, these emblems have come to represent the impartial humanitarian assistance provided to those who suffer. However, the fact that a person, organisation, or company is involved in, or desires to be associated with, humanitarian assistance does not entitle them to utilise the red cross or red crescent in their endeavours. The use of the emblems is governed by the Geneva Conventions of 1949, their Additional Protocols I and II of 1977 as well as Additional Protocol III of 2005, and the national legislation of the concerned State.

#### **The protection of the emblems Under the Geneva Conventions and the Additional Protocols**

The provisions of the Geneva Conventions and the Additional Protocols establish that the red cross and red crescent, as well as the red crystal for State parties to additional protocol III, are symbols protected by international law. These provisions define the individuals and services entitled to use the emblems and the purposes for which they may be employed. Their use is regulated at all times, during periods of peace as well as during times of armed conflict. Any unauthorised use of the emblems is prohibited.

Generally, the use of the emblem can be authorised to protect the medical services of the armed forces and, in war time, civilian hospitals. It is also used by the National Red Cross or Red Crescent Societies, their International Federation, and the International Committee of the Red Cross.

#### **Domestic measures to regulate emblem usage and prevent abuse**

The responsibility for authorising the use of the red cross or red crescent emblems rests with the State, which must regulate their use consistent with the terms of the Conventions

and Protocols. In order to effectively control the utilisation of the emblems, a State must adopt internal measures establishing the following:

- the identification and definition of the emblem(s) recognised and protected;
- the national authority with the competence to regulate the use of the emblems;
- those entities with permission to employ the emblems;
- the uses for which permission is authorised.

In addition, a State must enact national legislation prohibiting and punishing the unauthorised use of the emblems at all times. This legislation must apply to all forms of personal and commercial use and prohibit imitations or designs capable of being mistaken for the red cross, red crescent or red crystal.

It is fundamental that the measures to prevent abuse also apply to the members of the armed forces. However, this may be established through the processes of the State governing military discipline. The use of the emblems to hide or shelter combatants or military equipment during armed conflict (*i.e.* perfidious use) is a *war crime*. Lesser violations must also be punished.

The prevention and repression of emblem abuse is not accomplished solely by the adoption of penal or regulatory measures. A State should also undertake to inform the public, business, and the medical community on the proper utilisation of the emblems.

#### **The necessity of protecting the emblems**

The red cross, red crescent and red crystal are the symbols recognised and protected by international humanitarian law. The adoption of domestic measures to ensure their respect is a fundamental step in maintaining the impartiality associated with the providing of humanitarian assistance. Consequently, the care and protection of those receiving aid is enhanced. The failure of a State to take the appropriate measures can lead to the misuse of the emblems and lessen the respect and confidence which they enjoy. In addition, the failure to suppress abuse during times of peace will contribute to abuse during armed conflict. This will erode the protective value of the emblems, endanger the lives of those legitimately entitled to employ them, and interfere with the care and protection of civilians and combatants alike.

### **Further information**

The International Committee of the Red Cross (ICRC) has published a pamphlet explaining, in greater detail, the meaning of the emblems and their proper use. In addition, the ICRC has drafted a model law concerning their utilization and protection. States are free to adopt this law or use it as a basis or a guide when drafting their own legislation. Copies of this information can be obtained by contacting the ICRC or your National Red Cross or Red Crescent Society.