



Mr Robert Markt
Executive President
Croatian Red Cross
Ulica Crvenog kriza 14
10000 Zagreb
The Republic of Croatia

Geneva, 27 March 2023

Dear Mr Executive President,

With this letter, I would like to thank you for sharing with the Joint ICRC/International Federation Commission for National Society Statutes (Joint Statutes Commission) on 7 March 2023.

- English version of the Statute of the Croatian Red Cross (CRC), adopted in 2016,
- the Draft Decision of the CRC's General Assembly to amend Article 17 (5) of the 2016 Statute, in order to include in the Statute the name of the new City Red Cross branch Novalja, planned to be established in accordance with the organisational structure of the Republic of Croatia,
- your letter dated 2 March 2023, informing the Joint Statutes Commission that overall revision of the 2016 Statute will be completed after adoption of the amendments of the Croatian Red Cross Law, expected in the last quarter of 2023, and
- your letter dated 2 March 2023, informing the Joint Statutes Commission that the next General Assembly of the CRC will take place on 30 March 2023 where the above mentioned amended Article 17 (5) will be brought for adoption.

In implementation of its mandate - to review and to provide recommendations to National Societies in the revision of their statutory base frameworks - the Joint Statutes Commission would like to inform you that

- the suggested amendment to Article 17 (5) of the 2016 Statute is aligned with Standard 5.1 of the Guidance for National Society Statutes, 2018 (Guidance document) (accessible in English at https://www.ifrc.org/sites/default/files/2021-08/IFRC_Guidance_A4_ENGLISH_WEB.pdf), but however that
- the 2016 Statute of the CRC would require further revision in order to conform with the standards Guidance document.

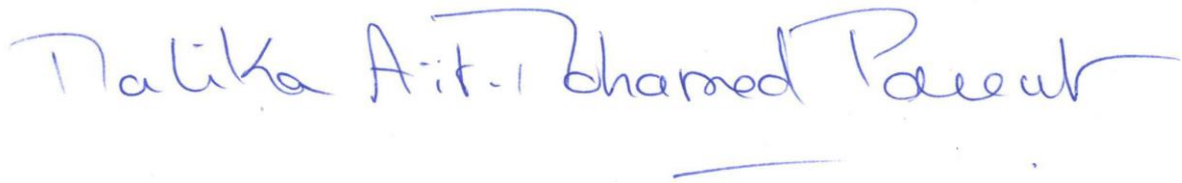
You will find attached to this letter a table including the Commission's recommendations that would require to be implemented in the revised Statute prior to its submission for adoption to the CRC's General Assembly in 2024.

The Joint Statutes Commission, as well as the Governance and Board Support of the IFRC and the ICRC's Division for Cooperation and Coordination within the Movement, together with their respective Regional/Country Delegations/Offices remain at your disposal for any further technical assistance you would require. For more information you can contact Drina Karahasanovic, IFRC Senior Officer

The International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies and the National Societies, form the International Red Cross and Red Crescent Movement.

National Society Legal Base at drina.karahasanovic@ifrc.org and/or Stéphane Hankins, ICRC Legal adviser, Cooperation and Coordination within the Movement at shankins@icrc.org.

Yours sincerely,



Malika Aït-Mohamed Parent
Chairperson
Joint ICRC/International Federation Commission
for National Society Statutes

Part I – Recommendations on 2016 Statute of the CRC

The following recommendations should be incorporated into 2016 Statute of the CRC in order to bring the text into line with the **MUST** standards of the Guidance document:

MUST Standards of the Guidance document	Articles of the CRC’s 2016 Statute recommended for revision
<p>Standard 1.1 The Statutes are in compliance with the Fundamental Principles.</p> <p>Standard 1.3 The Statutes reflect the National Society’s mission and objectives.</p>	<p>It is recommended to revise the provision included in Article 4, to complete the list of grounds on which the CRC makes no discrimination in the fulfilment of its aims to include the grounds of <i>citizenship, age, disability or ethnic origin</i>”.</p>
<p>Standard 1.3 The Statutes reflect the National Society’s mission and objectives.</p>	<p>It is recommended to amend Article 5 to add that the CRC and its structural subdivisions implement their tasks, services and activities as defined in</p> <ul style="list-style-type: none"> – the Statutes of the International Red Cross and Red Crescent Movement (the Movement), and in – the applicable national laws and agreements, <p>in addition to the mentioned Geneva Conventions and their Additional Protocols, the Resolutions adopted by the statutory meetings of the Movement, as well as with the strategies and decisions of the International Federation of the Red Cross and Red Crescent Societies (IFRC) and the International Committee of the Red Cross (ICRC) and the bodies of the Movement.</p>
<p>Standard 1.5 The Statutes commit the National Society to use the emblem in accordance with relevant rules and regulations.</p>	<p>It is recommended to amend Article 2 to provide that</p> <ul style="list-style-type: none"> – the CRC will develop/have internal regulations in place on the use of the emblem and the use of its own logo by its staff, members and volunteers (in line with the Law on the Protection of the Red Cross Name and Emblem, 1993), and that – the above mentioned internal emblem regulations must be in accordance with the 1949 Geneva Conventions and their Additional Protocols, applicable Movement rules and regulations on the use of the emblem, in addition to applicable national legislation defining the use and protection of the emblem, such as national legislation on the implementation of the Geneva Conventions, Law on the Croatian Red Cross, 1991 and Law on the Protection of the Red Cross Name and Emblem, 1993.
<p>Standard 2.1 The National Society must be open to all who want to be a member.</p>	<p>It is recommended to revise the provision included in Article 10, to complete the list of grounds on which the CRC makes no discrimination in the recruitment of its members to include the grounds of <i>citizenship, age, disability or ethnic origin</i>”.</p>
<p>Standard 2.3 The Statutes define the process of becoming a member and how membership ends.</p>	<p>It is recommended to amend Article 10 with a new provision to</p> <ul style="list-style-type: none"> – describe how to apply for membership, – define the circumstances in which a member can be suspended, and the procedures involved, in addition to the definition and procedures defined for expelling members as already included under Article 14, and – set out procedures for dealing with grievances or disputes involving members. <p><i>* In the event the above recommended provisions are defined or implemented in some other regulations, policy instruments or</i></p>

	<p><i>procedures of the CRC, a reference to that matter should be included into the text of the Statute.</i></p> <p><i>This note is applicable for all recommendations/suggestions listed in this letter.</i></p>
<p>Standard 3.1 The National Society must be open to all who want to volunteer.</p> <p>Standard 3.2 The Statutes define volunteers and the rights and responsibilities of volunteers.</p>	<p>It is noticed that Article 15 include several provisions concerning the CRC’s volunteers. It is however recommended to amend Article 15, or otherwise to include in the mentioned separate regulations related to all specific issues on volunteers of the CRC, which is palned ot be adopted by the Governing Board</p> <ul style="list-style-type: none"> – that the CRC is open to all who want to volunteer without any form of discrimination based on gender, ethnic origin, nationality or citizenship, age, disability, language, political opinions, religious beliefs, social background, or any other similar grounds, – the rights and responsibilities of volunteers, and – that the CRC’s disciplinary and dispute resolution procedures also apply to volunteers. <p>More details on the musts of standards 3.1 and 3.2 (related to volunteers) can be found in the Guidance document, pages 21-23 (English version).</p>
<p>Standard 4.2 The Statutes define the governance bodies and positions at all levels and their respective functions.</p>	<p>It is recommended to</p> <ul style="list-style-type: none"> – define for the position of the CRC’s President, Vice President(s) and members of the Board (both at the national and lower levels) <ul style="list-style-type: none"> – who/how the potential candidates are screened against the agreed profile, – any minimum qualifications individuals must have to stand for these positions, – how they can be removed from their position, and on what grounds, and – what happens if the individual in post steps down or is removed before the end of their term (applicable for the positions of VPs), – define, for the CRC’s Supervisory Board (Article 30) (either in the statute of the CRC Red Cross branch organisations, or in the CRC Statute) <ul style="list-style-type: none"> – who is responsible for convening meetings, – what notice for their meeting is required, – how often they meet, – provisions for calling extraordinary meetings, – who takes decisions between meetings, – procedures for decision-making, including quorum and majority voting rules, – what happens if a quorum is not present, – rules and proceedings, which could include provision for using technology to convene meetings, – who can be elected to these governance bodies, – who/how the candidates are screened against the agreed profile, – any minimum qualifications individuals must have to stand for these positions, – their full powers and responsibilities,

	<ul style="list-style-type: none"> - how they can be removed from their position, and on what grounds, and - what happens if the individual in post steps down or is removed before the end of their term, - the same recommendation is applicable for the working bodies at the Branch or National level of the CRC (Article 31), as well as for the Ethics Committee referred to under Article 43, and to - define the quorum and the majority for taking decisions, in case of reconvened sessions of the CRC's Governing Board.
<p>Standard 4.3 The Statutes ensure the legitimacy and capacity of the National Society's governance bodies and positions.</p>	<p>It is recommended to</p> <ul style="list-style-type: none"> - amend the Conflict of Interest provision included in Article 24 to require <ul style="list-style-type: none"> - <i>all individuals in governance positions to declare all potential or actual conflicts of interest, or issues that could be perceived as a conflict of interest, and that</i> - <i>if anyone discloses a potential or actual conflict of interest, then the disclosing member must abstain from debates and voting on matters that concern him/her,</i> - amend Article 27 to add to the functions of CRC's branch Assembly the function to elect the delegate(s) for the CRC's General Assembly composition, - include several new provisions in the Statute to <ul style="list-style-type: none"> - define how CRC stakeholders, such as members and/or volunteers, are included in the governance selection (of candidates) process at different levels of the CRC, - who can vote and under what procedures, - how potential candidates for any governance position are screened against eligibility criteria or desired profile; this could be regulated through the terms of reference of an election committee, - rounds for non-eligibility, and grounds and procedures for removing elected individuals from office, - for governance positions filled by election, elections must be free and fair, and conducted by secret ballot, - Code of conduct; it is noted that the Statute of the CRC includes mentioning 'the Ethical Code of the Croatian Red Cross' (Articles 10, 14 and 39); however, as the mentioned Ethical Code was not submitted to the Joint Statutes Commission it is recommended that the Ethical Code be, if needed, revised to include that all governance members must sign up to a code of conduct that sets basic expectations for how they perform their roles; the code of conduct must spell out the following commitments: <ul style="list-style-type: none"> - to act, at all times, in accordance with the Fundamental Principles, - to demonstrate the highest standards of personal integrity - to act in good faith and in the best interests of the CRC, - to act with reasonable care and due diligence, - not to misuse information or their position, and to respect the confidentiality of sensitive information, - to disclose and manage conflicts of interest,

	<ul style="list-style-type: none"> – not to abuse their power or authority, for example, by using CRC assets for personal purposes, or by undermining the secretary-general’s authority with staff, – not to breach the policies of the CRC, – to abstain from all forms of fraud and corruption, – to abstain from all forms of harassment, including sexual harassment, and – to promote collaboration, cooperation and partnership among governance members.
<p>Standard 4.4 The Statutes ensure a regular rotation of governance positions.</p>	<p>It is recommended to amend Article 37 to specify how many terms (including consecutive terms) can have members of the General Assembly of the CRC. The Guidance document prescribes that there must be a limitation on the number of consecutive terms that an individual can serve in the same governance position at central level (for instance, a maximum of two consecutive terms of four or five years in the same position, with the option of standing for the position again after the duration of one term).</p>
<p>Standard 4.5 The Statutes define the roles, authority and responsibilities of the top management positions and the procedures related to their appointment and termination.</p>	<p>It is recommended to revise and amend Article 44 to include eligibility criteria for the top management position(s), e.g., proscribing involvement in activities that could be considered as compromising their ability to carry out their management roles in accordance with the Fundamental Principles, or that could place the image and reputation of the CRC at risk.</p>
<p>Standard 5.2 The Statutes must ensure that the National Society decides, acts and speaks as one.</p>	<p>It is recommended to amend Article 22 with the following other centralised functions of the CRC</p> <ul style="list-style-type: none"> – protecting the integrity of the CRC, including maintaining the Fundamental Principles, – contacts and agreements with other components of the Movement, – overall policy frameworks (in areas such as finance, human resources, volunteering, and compliance and integrity) and risk management, – coordinating national programmes to ensure that resources are used according to humanitarian needs and that there is consistency in service delivery, – overall financial coordination, oversight and accountability, including consolidated budgeting, financial accounts and audit, as well as – disciplinary procedures and dispute resolution (in the event that disputes cannot be solved locally).
<p>Standard 6.1 The Statutes state the integrity and ethical standards to be upheld.</p>	<p>As mentioned above (Standard 4.2) it is noted that the Statute of the CRC includes mentioning ‘the Ethical Code of the Croatian Red Cross’ (Articles 10, 14 and 39); however, as the mentioned Ethical Code was not submitted to the Joint Statutes Commission it is recommended that either the Ethical Code, if it already does not include, or the Statute of the CRC include the following integrity and ethical standards that must be upheld at all levels of the CRC, including zero tolerance for violations of these standards</p> <ul style="list-style-type: none"> – adhering to the Fundamental Principles, and to the policies and regulations of the CRC,

	<ul style="list-style-type: none"> – protecting confidentiality and maintaining the trust of those that the CRC serves, – acting and making decisions in the interests of the CRC when acting on its behalf treating everyone with dignity and respect and, therefore, abstaining from: <ul style="list-style-type: none"> – discrimination based on gender, ethnic origin, nationality or citizenship, age, disability, language, political opinions, religious belief, social background, or any other similar grounds – xenophobia and other forms of racism – bullying and harassment, including sexual harassment – sexual exploitation and abuse – acting honestly and with integrity in all transactions and dealings, which includes abstaining from fraud and corruption, abuse of power and nepotism – avoiding conflicts of interest and handling actual or possible conflicts of interest appropriately (in line with our above recommendation relating to Article 24). <p>In addition to it, it is recommended that</p> <ul style="list-style-type: none"> – the Statute commits the CRC that the Code of Ethics (which should include above listed) be signed and obeyed by all individuals in governance positions, staff, members, volunteers or anyone else associated with the CRC (interns, staff on loan, etc.), and – in relation to branches and other entities that the Statute commits branches and any other entities within the CRC to ensure that individuals uphold the integrity and ethical standards described above.
<p>Standard 6.2 The Statutes define the procedures that ensure compliance with integrity and ethical standards and how breaches are addressed.</p>	<p>It is recommended to add a new provision in the Statute, or otherwise in the Code of Ethics to</p> <ul style="list-style-type: none"> – describe, or make reference to, regulations that describe the mechanisms, processes and procedures to investigate and – in the event of non-compliance with defined integrity and ethical standards – sanction individuals as well as collective entities, including branches, – describe which bodies can sanction non-compliance, on what basis, and the applicable sanctions; disciplinary procedures must be characterized by procedural fairness and due process guarantees; if such guarantees are spelled out in another regulatory or policy text adopted by the CRC, a reference thereto should be included in the text of the Statute, and to – set up a procedure to receive, investigate and respond to complaints and allegations against anyone associated with the CRC; this should include a whistle-blower protection rule or policy that specifies that the CRC will not retaliate against, and will protect the confidentiality of, anyone making complaints in good faith, in particular, beneficiaries, staff, volunteers and members.
<p>Standard 7.1 The Statutes define how resources are mobilized and managed in a transparent,</p>	<p>It is recommended to amend Articles 47, 48 or 49 to</p> <ul style="list-style-type: none"> – stipulate the main categories of income for the CRC, such as membership fees, funds raised for programmes and projects, donations and income-generation activities, and to

accountable, efficient and principled way.	<ul style="list-style-type: none"> – commit the CRC to mobilize resources in a transparent, principled and accountable way.
<p>Standard 7.2 The Statutes commit the National Society to conduct an independent, professional and external audit of its consolidated accounts annually.</p>	<p>It is recommended to amend Article 47 to specify that the audit must cover CRC’s “<i>consolidated accounts</i>”, and that they will be audited by an <i>professional</i> audit/auditor <i>annually</i>.</p>
<p>Standard 8.3 The Statutes are disseminated to all stakeholders in the National Society at all levels.</p>	<p>It is recommended to amend Article 53 with a new provision to stipulate that the Statute must be disseminated throughout the CRC and made available to any CRC member or volunteer upon request.</p>
<p>Other</p>	<p>The Joint Statutes Commission would like to request the CRC to share with the Commission a copy of any regulatory or policy frameworks that are relevant to the implementation of the standards of the Guidance document, adopted by the governing bodies of the CRC, including</p> <ul style="list-style-type: none"> – the special regulations for establishing companies for economic activities by the CRC branches, as referred to under Article 6, – the Code of Ethics, as referred to under Articles 10, 14 and 39, – the CRC regulations on the process of entering the Youth membership and participating in the activities and humanitarian actions of the CRC, planned to be adopted by the GB, as referred to under Article 13, – the CRC regulations related to its volunteers, as referred to under Article 15, – the detailed conditions for the founding of the CRC branch organizations with legal entity status, as well as termination of work and their existence, to be adopted by the General Assembly of the CRC, as referred to under Article 21, – the CRC regulations which will regulate election, candidacy procedures, statement of ethics, conflict of interest, resignation and all other issues related to the election of members and representatives to the bodies of the CRC and its structural subdivision, planned to be adopted by the CRC General Assembly, as referred to under Article 24, – the CRC Rules of Procedure of the CRC Assembly, as referred to under Articles 26, 27 and 39, – the CRC Rules of Procedure, as referred to under Article 42, – and any other regulatory frameworks, policies or similar adopted by the General Assembly and the Governing Board of the CRC. <p>This would also allow the Joint Statutes Commission to further assess the conformity of the CRC’s statutory base and related frameworks with the standards of the Guidance document and build its on-line library of good practice illustrations to be attached to the Guidance document.</p>

Part II - Suggested amendments to the Statute of the CRC

The following suggestions could be included in the Statute of the CRC to improve the text in line with the following **Could standards** of the Guidance document:

COULDS of the Guidance document's Standards	Articles of the CRC's Statute suggested for revision
<p>Standard 1.5 The Statutes commit the National Society to use the emblem in accordance with relevant rules and regulations.</p>	<p>It is suggested to amend the provisions included in Article 48 to further stipulate that the activities in which the CRC and its separately founded companies may engage in money/income-generating will be done in line with the Regulations on the use of the Emblem of the Red Cross or the Red Crescent by the National Societies (Adopted by the 20th Red Cross and Red Crescent International Conference (Vienna, 1965) and revised by the Council of Delegates (Budapest, 1991) as well as in line with other pertinent emblem regulations as mention in the Part II, under the same standard.</p>
<p>Standard 2.2 The Statutes define membership and the rights and responsibilities of members.</p>	<p>It is suggested to revise Article 35 to provide that the Hight Patron of the CRC does not enjoy the right to vote within the governing bodies of the CRC and its structural subdivisions.</p>
<p>Standard 4.3 The Statutes ensure the legitimacy and capacity of the National Society's governance bodies and positions.</p>	<p>It is suggested to include a new provision in the Statute to define</p> <ul style="list-style-type: none"> – the possibility of holding the governance functions remotely, online or in a form of hybrid, and the circumstances under which this can be decided/who decides, and – to confirm that the CRC's governance functions or processes held remotely, online or in a form of hybrid are conducted in accordance with the CRC's existing constitutional rules. <p>In addition, it is suggested to</p> <ul style="list-style-type: none"> – consider opening the CRC governance positions at all levels to candidates coming from out of the CRC, as it might bring some new and fresh ideas, knowledge or skills, and to – allocate the responsibility to represents and speaks on behalf of the CRC in country and abroad only to the President of the CRC (at all levels), with the right to delegate this power to the Executive Director; Articles 28, 32, 40 and 44 should be revised and amended accordingly.
<p>Standard 4.5 The Statutes define the roles, authority and responsibilities of the top management positions and the procedures related to their appointment and termination.</p>	<p>It is suggested to revise and amend Article 32 to include eligibility criteria for the top management position(s) at the CRC's branch level, e.g., proscribing involvement in activities that could be considered as compromising their ability to carry out their management roles in accordance with the Fundamental Principles, or that could place the image and reputation of the CRC at risk.</p>
<p>Standard 8.2 The Statutes contain provisions for the dissolution and liquidation of the National Society.</p>	<p>It is suggested to revise Article 51 to provide that after termination of the CRC activities, unless the General Assembly decides differently, all assets of the CRC be transferred to another national humanitarian organisation with the similar mandates and tasks.</p>

Previous communications between the Joint Statutes Commission and the Croatian Red Cross related to the CRC's Statute (since 2010):

- JSC letter, 11 March 2011,
- CRC letter, 28 August 2011,
- JSC letter, 29 March 2011,
- CRC letter, 30 July 2013,
- JSC letter, 10 September 2013,
- CRC letter, 28 April 2014,
- JSC letter, 25 June 2014,
- CRC letter, 14 May 2015,
- JSC letter, 9 June 2015,
- CRC letter, 16 June 2015,
- CRC letter, 11 November 2022,
- CRC letter (2 letters), 2 March 2022.