

**CASE STUDY**

# Advocacy to clarify the legal status of Pakistan Red Crescent Society

This case study looks into the misunderstanding of the Pakistan Red Crescent's legal basis and auxiliary role, which had led to restrictions on its humanitarian operations. Through strong advocacy, the Pakistan Red Crescent clarified its legal status and strengthened its auxiliary role.



## Advocacy to clarify the legal status of the Pakistan Red Crescent Society

While the Pakistan Red Crescent has been active in Pakistan for more than seventy years, misunderstanding about its legal basis and auxiliary role led to restrictions in its operations, which was recently remedied through strong National Society advocacy.

The Pakistan Red Crescent Society (PRCS) was established by an act of Parliament in 1947, with the legal status of a statutory body, a fact which distinguishes it from non-governmental organizations and reflects its auxiliary role of supporting and supplementing the government's humanitarian activities, consistent with its mandate and capacities.

PRCS' legal status as a statutory body and auxiliary to government is not always well known or understood by national authorities or the general public, some of whom perceive PRCS and wider Red Cross and Red Crescent components as non-governmental organizations or international non-governmental organizations.

Subsequently, national authorities' perception of PRCS as an NGO has caused it to experience regulatory barriers in relation to visas, foreign funding, importation of relief items and access to certain geographical areas within Pakistan.

As a result of this restriction, PRCS has been limited by the assistance they can provide people in need, which resulted in reduced donor support and a deficit of operational capacities.

In 2020, PRCS experienced difficulties receiving funding from Qatar Red Crescent because it was subject to stringent regulations applicable to international non-governmental organisations.

The financial protocols applied by the State Bank of Pakistan made it difficult for any organization to receive funds from a foreign source and PRCS was subjected to the same stringent regulations despite being a humanitarian organisation recognised in law and auxiliary to the public authorities.

The humanitarian activities that PRCS had planned with the financial assistance of the Qatar Red Crescent had to be put on hold due to this hindrance to the transfer of funds from the Qatar Red Crescent to PRCS.

PRCS was experiencing many challenges of this nature and this financial restraint served as the key motivating factor for PRCS leadership to establish its identity as a statutory body and auxiliary to the government in the humanitarian field.

The clarification of the auxiliary status would distinguish PRCS from national and international non-governmental organisations and other humanitarian organizations in the country.

PRCS successfully advocated the Ministry of Health, for clarification of its legal status. This advocacy was led by the Chairman of the PRCS, who through strenuous advocacy efforts, and relationship building, pursued the need for clarification of PRCS' status.



## Strengthening the auxiliary role in law

The auxiliary role of National Red Cross and Red Crescent Societies is a truly unique and special status, enabling National Societies to engage and contribute to national humanitarian preparedness and response.

The auxiliary role is the formal relationship with the national authorities to provide humanitarian services and it needs to be recognised in a country's laws.

Often known as the Red Cross or Red Crescent law, it sets out what the National Society's humanitarian role is, and it also ensures the government respects the Red Cross and Red Crescent Fundamental Principles.

A country's laws and policies can also set out further specific roles for a National Society across sectors like disaster management, health and migration.

The International Red Cross and Red Crescent Movement recognises the importance of strong and modern Red Cross or Red Crescent laws and encourages National Societies to pursue dialogue with their national authorities to strengthen their legal base in domestic law.

For more information and resources on the auxiliary role visit:

[disasterlaw.ifrc.org/auxiliary-role](https://disasterlaw.ifrc.org/auxiliary-role)

## Pakistan Red Crescent Society confirmed as a statutory body

On 31 August 2020, the Ministry of Health issued an official letter to the Economic Affairs Division confirming PRCS's status as a statutory body constituted and governed by the PRCS Act.

In response to this letter, on 16 September 2020, the Economic Affairs Division issued a letter recognizing that PRCS is a statutory body, that it is not an NGO or international NGO, and confirming that it, therefore, has no objection to PRCS seeking and receiving foreign funding. The letter also noted PRCS' role as a humanitarian organization engaged in activities such as healthcare, disaster relief and livelihood promotion.

The letters issued by the Ministry of Health and the Economic Affairs Division are valuable documents for PRCS, as they are a recent, clear and official statement of PRCS's legal status. The letters resolve the regulatory barriers that PRCS was facing in relation to foreign funding, ensuring that it can receive funding from other Movement and non-Movement components without difficulty.

More broadly, PRCS is able to present the letters to other national authorities in order to prove that it is not an NGO or INGO and should not be subject to laws and regulations applicable to NGOs and INGOs. PRCS anticipates that the letters will significantly reduce regulatory barriers in relation to visas and importation of relief items and will also allow it to operate throughout the whole of Pakistan.

Having achieved clarification of its legal status, PRCS has identified the next steps in its journey to promoting understanding of its auxiliary role, building its relationship with the national authorities and strengthening its legal base.

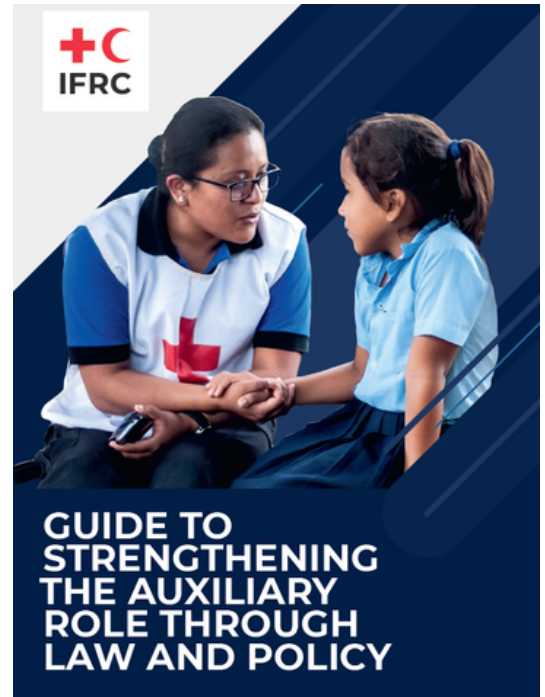
One priority is to raise awareness amongst other government ministries about its auxiliary role and legal status. Equally, PRCS has identified a number of areas where its legal base could be strengthened, including the revision of its Act, Constitution and Statutes as well as legal protection of the emblem.

## The Guide to Strengthening the Auxiliary Role through Law and Policy

The Guide to Strengthening the Auxiliary Role through Law and Policy provides practical guidance to National Societies on how to strengthen their auxiliary role through domestic law, policies, plans and agreements.

The focus of this Guide is predominantly on how laws, policies, plans and agreements can strengthen the auxiliary role in sectors such as disaster risk management, health, migration, and social welfare.

**Download the Guide here.**



## About IFRC Disaster Law

IFRC Disaster Law works with National Red Cross and Red Crescent Societies and governments to strengthen disaster risk governance, through the development and implementation of climate, disaster and emergency-related legislation, policies and procedures.

With 20 years of experience supporting the development and implementation of disaster law and policy around the world, we are the global leader in disaster law technical advice to governments.

