

## Pakistan Information Commission

### Government of Pakistan

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  @PkInfoComm



### In The Pakistan Information Commission, Islamabad

#### Appeal No E12-01/21

Naeem Sadiq

(Appellant)

Vs.

Ministry of National Health Services

(Respondent)

### ORDER

**Date:** March 19, 2021

**Zahid Abdullah:** Information Commissioner

#### A. The Appeal

1. The Appellant filed an appeal, dated 03-01-2021, to the Commission, stating that he submitted an information request to Ministry of National Health Services on September 21, 2021 under the Right of Access to Information Act 2017 but did not received any response from the public body.
2. The information sought by the Appellant is as follows:
  1. *“How many meetings of Federal Population Task Force have been held since 2018. Please provide minutes of these meetings.*
  2. *What practical steps have been taken by the Pakistan Government to make the Pre-marital FP counseling for couples a mandatory requirement and amendment of Nikahnama Form to reflect the same.*
  3. *What practical steps have been taken by the Pakistan Government to legislate and enforce the Early Child Marriage Restraint Act, limiting the marriage age to 18 years.*
  4. *What practical steps have been taken by the Pakistan Government to include the NIC number of bride and groom on the Nikahnama Form in Pakistan to ensure compliance with age restrictions.*
  5. *What practical steps have been taken by the Pakistan Government to introduce Post Pregnancy Family Planning (PPFP) in all clinics and hospitals (both public and private.*
  6. *What practical steps have been taken by the Pakistan Government to ensure 100 percent coverage of families and homes across Pakistan by Community Health Workers for FP counseling and relevant services.*
  7. *What practical steps have been taken by the Government of Pakistan to introduce Family Planning & Reproductive Health (FP&RH) Rights Bill that makes it mandatory for all public and private health care facilities in Pakistan to provide FP/RH services*
  8. *What practical steps have been taken by the Pakistan Government to implement girls and boys compulsory education till class 10.*
  9. *What practical steps have been taken by the Pakistan Government to prohibit Child Labor below the age of 18 years, so as to prevent couples from using children as earning hands from a tender age.*

10. *What practical steps have been taken by the Pakistan Government to incentivize Couples to have smaller families and to delay the first pregnancy until the age of 20 years.*
11. *What practical steps have been taken by the Pakistan Government to mobilise political leaders, corporate sector, academia, judiciary, executive, all religious leaders, intelligentsia, civil society and youth in organizing FP related media and other campaigns.*
12. *What practical steps have been taken by the Pakistan Government to ensure that easy and inexpensive access to contraceptives is ensured at all Service Delivery Points.*
13. *What practical steps have been taken by the Pakistan Government to engage religious leaders of all faiths to advocate and endorse the national narrative on family planning and to include family planning messages in Friday sermons in all mosques and worship places of all faiths.*
14. *What practical steps have been taken by the Pakistan Government to raise the Contraceptive Prevalent Rate (CPR) in Pakistan to 70 percent by 2025 and to bring down the Average Fertility Rate to 2.0”*

**B. Proceedings**

3. Through a notice dated January 20, 2021, sent to Secretary, Ministry of National Health Services, the Commission called upon the Respondent to submit reasons for not providing the requested information.
4. Through a letter vide No. 10-20/2020-P&S/PPW dated January 28, 2021, commission received response of the Appellant which is as under:

S.#	QUIRES/OBSERVATIONS	REPLY
1.	How many meetings of Federal Population Task Force have been held since 2018. Please provide minutes of these meetings.	Three Federal Task Force meetings held of since 2018. Several important decisions/Recommendations made during the meetings, the implementation process is underway with the coordination and cooperation of provincial counterparts and development partners.
2.	What practical steps have been taken by the Pakistan Government to make the Pre-marital FP counseling for couples a mandatory requirement and amendment of Nikahnama Form to reflect the same.	The requisite draft bills are being prepared or and will soon be submitted to the concerned of forum.
3.	What practical steps have been taken by the Pakistan Government to legislate and enforce the Early Child Marriage Restraint Act, limiting the marriage age to 18 years.	Government of Sindh has already passed the Id bill titled "Early Child Marriage Restraint Act" 18 limiting the marriage age to 18 years and rest of the Provincial Governments including ICT are actively working on draft bill.
4.	What practical steps have been taken by the Pakistan Government to include the NIC number of bride and groom on the Nikahnama Form in Pakistan to ensure compliance with age	In the existing Nikahnama Form, CNIC and number and age are included in the relevant column.

	restrictions.	
5.	What practical steps have been taken by the Pakistan Government to introduce Post Pregnancy Family Planning (PPFP) in all clinics and hospitals (both public and private).	PPFP practices have already been in practice in both Public and Private hospitals.
6.	What practical steps have been taken by the Pakistan Government to ensure 100 percent coverage of families and homes across Pakistan by Community Health Workers for FP counseling and relevant services.	The following health work force are already engaged in counseling and FP/RH services;- Social Mobilizer, LHVS, LHWs, FWWs, FWAS. (Males/ Females) supervisors, counselors.
7.	What practical steps have been taken by the Government of Pakistan to introduce Family Planning & Reproductive Health (FP&RH) Rights Bill that makes it mandatory for all public and private health care facilities in Pakistan to provide FP/RH services?	The Bill Legislation regarding Family & Planning & Reproductive Health (FP&RH) is it under consideration with consultation/Coordination of Provincial/ Regional Governments and relevant stakeholder.
8.	What practical steps have been taken by the Pakistan Government to implement girls and boys compulsory education till class 10?	This issue relates to Ministry of Education and Professional Training.
9.	What practical steps have been taken by the Pakistan Government to prohibit Child Labor below the age of 18 years, so as to prevent couples from using children as earning hands from a tender age?	This issue relates to Ministry of Human of Rights
10.	What practical steps have been taken by the Pakistan Government to incentivize Couples to have smaller families and to delay the first pregnancy until the age of 20 years?	Practical steps are being taken working on the issue of Premarital counseling is of underway in a coordinated manner throughout the country. The Provincial/Regional Government are fully on board.
11.	What practical steps have been taken by the Pakistan Government to mobilise political leaders, corporate sector, academia, judiciary, executive, all religious leaders, intelligentsia, civil society and youth in organizing FP related media and other campaigns.	The advocacy and Media group has been formed consisting of Provincial Regional Government including development partners and CSOs to steer all matters relating to Advocacy and Media for creating a positive social environment for FP/RH and regular meeting of the committee are being held PEMRA has already been

		taken on board.
12.	What practical steps have been taken by the Pakistan Government to ensure that easy and inexpensive access to contraceptives is ensured at all Service Delivery Points.	Contraceptives Commodity Security Working Group have been formed consisting of Provincial Regional Government including development partners and CSOs to monitor contraceptives commodity security situation in Pakistan and suggest recommend solution (s) to ensure zero stock outs.
13.	What practical steps have been taken by the Pakistan Government to engage religious leaders of all faiths to advocate and endorse the national narrative on family planning and to include family planning messages in Friday sermons in all mosques and worship places of all faiths?	Joint Declaration of Ulema made at Population Summit 2015, Islamabad is being widely advocated. Training courses on family planning are being all arranged at Provincial Judicial Academies and relevant training institutes for Ulemas and Khateebes. The Islamic ideology council and Ministry of Religious affair are fully on board and endorse the national narrative of "Tawazun".
14.	What practical steps have been taken by the Pakistan Government to raise the Contraceptive Prevalent Rate (CPR) in Pakistan to 70 percent by 2025 and to bring down the Average Fertility Rate to 2.0?	Measures being taken to increase CPR to Rate 50% by 2025 are: - <ul style="list-style-type: none"> <li>• The Family Planning services out lets (RHS-A, FWCs)</li> <li>• Working on functional integration of health and population</li> <li>• Incentivizing Local Production of Contraceptives</li> <li>• Pooled Procurement model is being adopted by the Federal &amp; Provincial Governments</li> <li>• Supply Chain Management System being strengthened to ensure availability of all contraceptives at Service Delivery</li> </ul>

		<p>Points</p> <ul style="list-style-type: none"><li>• FP Commodities are included in the essential drug list of primary secondary and tertiary drug list</li></ul>
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5. The response of the respondent was shared with appellant on February 15, 2021.
6. The Appellant on February 14, 2021 submitted his rejoinder to the response of shared by the respondent, which is as under:  
*“Reference Ministry of Health Services letter: F.No. 10-20/2020 -P&S /PPW dated 28 Jan 2021.*

*The Ministry was asked 14 specific questions. It however provided non-specific, vague and dataless / tactless responses to all questions. Only to quote a few as an example of this vagueness, please see below:*

<b><i>Question</i></b>	<b><i>Reply</i></b>
<i>How many meetings of Federal Population Task Force have been held since 2018. Please provide minutes of these meetings.</i>	<i>Neither was the question on number of meetings answered nor were the minutes of the meeting provided.</i>
<i>What practical steps have been taken to make the pre marital counselling for couples mandatory and made a requirement in Nikahnama</i>	<i>The answer "draft being prepared and will soon be submitted" is as vague as it could be.</i>
<i>What practical steps have been taken to legislate and enforce early child marriage restraint Act, limiting the marriage age to 18.</i>	<i>Once again the response" ICT and provincial governments are actively working" is as vague as it could possibly be. Sindh made this law many years back, so the question was what has the Federation and other provinces done about it.</i>

*Likewise the responses to all questions are vague and expressed in unending "Present Continuous Tense", which means that the answer could be the same even after 10 years. It is deeply worrying that the most concerned ministry of Federal Government is dragging its feet and has taken three years to almost accomplish nothing on Pakistan's most important problem, i.e. its burgeoning population.*

*You are requested to take necessary actions to ensure that the Ministry responds to all 14 questions in specific terms, provide the necessary documents. It is equally fine to say that nothing has been done, where that is the factual situation. The best path of going forward and making progress is to admit one's failure and shortcomings”.*

7. The response of the appellant was shared with The Respondent on February 23, 2021 and was directed to submit response to the letter of the appellant within 5 working days.
8. The respondent again submitted the same response which was already shared with the appellant.

**C. Discussion and Commission’s View on Relevant Issues**

9. This commission is of the view that the Appellant has asked specific questions. The Respondent has provided information to the Appellant but has not shared certified copies of records. A citizen may not know about the existence of certain records while filing

information request and it is the responsibility of the public body to provide certified copies of records wherever applicable.

10. The citizen has asked as to “How many meetings of Federal Population Task Force have been held since 2018. Please provide minutes of these meetings”. The Respondent has only provided the number of meetings and has not provided minutes of the meetings.
11. It should be noted that minutes of meetings are public records once final decisions has been taken on issues discussed in the meetings.
12. Instead of providing certified copies of the minutes of the meetings, the Respondent said that “Several important decisions/Recommendations made during the meetings, the implementation process is underway with the coordination and cooperation of provincial counterparts and development partners”.
13. Citizens of Pakistan would only know about the decisions and recommendations once they have access to the minutes of meetings. Furthermore, with the availability of the minutes of the meetings, citizens would also know about the level of quality input gone into the decisions and recommendations and positions taken by the participants of the meetings.
14. The Respondent has also said that “the implementation process is underway with the coordination and cooperation of provincial counterparts and development partners”. The Respondent should have provided minutes of meetings of Federal Population Task Force and all the documents/records generated during the process of the implementation of the decisions/recommendations of the meetings.
15. To the question as to “What practical steps have been taken by the Pakistan Government to introduce Post Pregnancy Family Planning (PPFP) in all clinics and hospitals (both public and private)”, the Respondent shared that “PPFP practices have already been in practice in both Public and Private hospitals”. However, the Respondent has not shared any record to back its assertion. The Respondent should have shared available records which led to the conclusion that PPFP practices have already been in practice in both Public and Private hospitals.
16. To the question as to “What practical steps have been taken by the Pakistan Government to incentivize Couples to have smaller families and to delay the first pregnancy until the age of 20 years”, the Respondent shared that Practical steps are being taken working on the issue of Premarital counselling is of underway in a coordinated manner throughout the country. The Provincial/Regional Government are fully on board”. However, the Respondent has not shared any record to back its assertion.
17. To the question as to “What practical steps have been taken by the Pakistan Government to mobilise political leaders, corporate sector, academia, judiciary, executive, all religious leaders, intelligentsia, civil society and youth in organizing FP related media and other campaigns”, the Respondent shared that “The advocacy and Media group has been formed consisting of Provincial Regional Government including development partners and CSOs to steer all matters relating to Advocacy and Media for creating a positive social environment for FP/RH and regular meeting of the committee are being held PEMRA has already been taken on board”. The Respondent has not shared the advocacy plan, minutes of meetings and communication with PEMRA in this regard.
18. To the question as to “What practical steps have been taken by the Pakistan Government to ensure that easy and inexpensive access to contraceptives is ensured at all Service Delivery Points”, the Respondent shared that “Contraceptives Commodity Security Working Group have been formed consisting of Provincial Regional Government including development partners and CSOs to monitor contraceptives commodity security



situation in Pakistan and suggest recommend solution (s) to ensure zero stock outs”. The Respondent has not shared documents pertaining to the formation of Contraceptives Commodity Security Working Group, minutes of its meetings and any monitoring reports, if available with the Respondent.

19. To the question as to “What practical steps have been taken by the Pakistan Government to engage religious leaders of all faiths to advocate and endorse the national narrative on family planning and to include family planning messages in Friday sermons in all mosques and worship places of all faiths”, the Respondent answered that Joint Declaration of Ulema made at Population Summit 2015, Islamabad is being widely advocated. Training courses on family planning are being all arranged at Provincial Judicial Academies and relevant training institutes for Ulemas and Khateebis. The Islamic ideology council and Ministry of Religious affair are fully on board and endorse the national narrative of "Tawazun". The Respondent has not shared any press releases or any other documents containing information about the steps taken by the Respondent to disseminate Joint Declaration of Ulema made at Population Summit 2015. The Respondent has not shared any records which contributed to the arrangements of Training courses on family planning.

#### **D. Order**

20. Secretary, Ministry of National Health Services is directed to provide certified copies of all the records mentioned in paras 14 to 19 to the Appellant, with intimation to this commission, at the earliest, but not later than 10 working days of the receipt of this Order.
21. Copies of this order be sent to Secretary, Ministry of National Health Services and the Appellant for information and necessary action.

**Fawad Malik**

Information Commissioner

**Zahid Abdullah**

Information Commissioner

Announced on:

March 19, 2021

This order consists of 7 (seven) pages, each page has been read and signed