

[AS INTRODUCED IN THE SENATE]

A

BILL

to give power to make the vaccination for universal immunization of children mandatory and to protect the health workers designated for immunization programs;

WHEREAS it is expedient to give power to make the vaccination for universal immunization of children mandatory and to provide for the security of persons employed as health workers for performing vaccinations;

It is hereby enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be called the Islamabad Mandatory Vaccination and Protection of Health Workers Act, 2015.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,-

(a) "child" means an individual of an age prescribed by EPI department, Government of Pakistan;

(b) "designated medical officer" means the medical officer designated by the Federal Government;

(c) "designated vaccine preventable disease" means any one of the infectious diseases included in Expanded Programme of Immunization's Schedule for which vaccination shall be mandatory, including but not limited to Childhood Tuberculosis, Poliomyelitis, Diphtheria, Pertussis, Tetanus, Hepatitis B, Haemophilus Influenza Type b, Pneumonia, Measles and any other vaccine prescribed by the Federal Government;

- (d) "Federal Government" means the Government of Pakistan;
- (e) "health facility" means a hospital, rural health center, basic health unit, family welfare centres, mother and child healthcare centres, reproductive health centres or a clinic or any other place designated by Federal Government where vaccination services are available or administered to children of prescribe age;
- (f) "health worker" means a person authorized by the Federal Government to administer vaccine of a designated vaccine preventable disease to children of prescribed age group and includes a doctor, vaccinator, trained volunteer for immunization or vaccination program, a member of an outreach team or other person whose duty is to assist or help the health worker;
- (g) "outreach team" means a team of health workers which moves around to different places and administer vaccines to children of prescribed age group;
- (h) "parent" means a mother or father of child, guardian or caretaker of a child of prescribed age group;
- (i) "prescribed" means prescribed by the rules made under the Act;
- (j) "Union Council" means the local government which is required by law to maintain child birth record of the local area;
- (k) "Unprotected child" means a child who has not been vaccinated or who has not, within a period of five years, been successfully re-vaccinated and who has not been certified under this Act to be insusceptible to vaccination;
- (l) "vaccination" means administration of quality antigenic material to stimulate an individual's immune system to develop adaptive immunity to a designated vaccine preventable disease;

- (m) "vaccination circle" means a local area or one of the parts into which a local area has been divided under this Act for the performance of vaccination; and
- (n) "vaccinator" means any person appointed under the Act to perform the operation of vaccination or any private person authorized by the Government to perform the same operation.

3. Mandatory vaccination.— (1) Subject to sub-section (2), the guardian or the parent, as the case may be, of every unprotected child who has not been vaccinated shall complete its primary vaccination before the child attains the age of six months and thereafter shall cause the child of a prescribed age group to complete the prescribed program of vaccination in relation to each of the designated vaccine preventable diseases.

(2) The provision of sub-section (1) shall not apply to the parent who, in relation to a vaccine of a designated vaccine preventable disease, has obtained a statement of medical exemption in the Form-I specified in the Schedule from a designated medical officer and, where the designated medical officer has specified an effective time period for exemption, only during the effective time period of exemption and to the extent of the vaccine of the designated vaccine preventable disease.

(3) Subject to this section, a health worker or an outreach team shall administer vaccine of a designated vaccine preventable disease to all children of prescribed age group living within the area allocated to the health worker or outreach team.

(4) The designated medical officer or the incharge of an outreach team shall issue a certificate of vaccination of a designated vaccine preventable disease to the parent of the child to whom vaccine has been administered in the Form as prescribed by the Federal Government:

Provided that whenever the residence of an unprotected child is changed, the guardian of such child shall, within one month of such change of residence, communicate the same to the Medical Officer of Health, or any other person authorized by him in this behalf, of the place from which the residence was changed and shall furnish full particulars of the new residence of the child.

4. Health facilities.—(1) The Government shall establish, maintain or declare health facilities adequately equipped to maintain vaccine preservation (cold chain) and administer vaccination to all children of prescribed age group and shall form outreach teams for administering vaccination to all children of prescribed age group so identified by the local area administration.

(2) The incharge of a health facility shall display at prominent place information about vaccination, and special vaccination campaigns and programs.

(3) No fee is to be charged by public health workers at a health facility designated by the Government.

5. Issuance of Birth certificate and Form B.— (1) A Union Council and the National Database Registration Authority shall not issue a birth certificate or form B of a child of a prescribed age group if information of requisite vaccination of the child is not available with it.

(2) The Union Council shall incorporate the information of vaccination or exemption in the birth register of the child and shall, in the prescribed manner, communicate the information to the National Database Registration Authority established under the National Database Registration Authority Ordinance, 2000 (VIII of 2000).

6. Certain persons to ensure vaccination.— An incharge of a primary or elementary school or Madrassah shall not grant any child admission in the educational institution unless the parent or guardian as the case may be, has provided a certified copy of the prescribed Vaccination Certificate that states that the child has been administered requisite vaccine of a designated vaccine preventable disease:

Provided that if the parent or guardian of the child shall present the proof of prescribed vaccination within a period of six months in which case provisional admission may be granted to the child.

7. Vaccination during travel.— The Federal Government may, by general or special order, direct the outreach teams to administer vaccination of a designated vaccine preventable disease to children of prescribed age group at the airport, railway station, bus terminals or at entry and exit points of the Islamabad Capital Territory.

8. Vaccination report.— (1) Every health facility shall, on monthly basis, maintain a record of vaccination in the area allocated to the health facility in the prescribed manner by designated medical officers and health workers of the health facility.

(2) It shall be the duty of every Medical Officer Incharge of a health facility to keep the vaccination record open at all times to inspection by a member of the designated authority or local area administration.

9. Public servant.— (1) Every designated medical officer, health worker or any other person authorized under the Act or rules shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

(2) Every designated Medical Officer or Health Worker shall, in addition to other duties imposed on him under the provisions of this Act or the Rules prescribed therein, ascertain that all unprotected children in the area have obtained primary vaccination or re-vaccination as the case may be, and if it comes to knowledge of designated Medical Officer or Health Worker through their own inspection or secondary information or complaint that a guardian has willfully or otherwise omitted to have a child vaccinated with the requisite vaccinations as heretofore mandatorily required under this Act, he shall serve the guardian with a notice requiring the child to be vaccinated at a time and place specified in such notice.

(3) If such notice is not complied with, the Medical Officer shall report the non-compliance to the Executive District Officer (Health) who shall direct the guardian to provide an explanation of such non-compliance at a specified time and date. If the guardian further omits to reply to such notice, the Officer shall forward the case to a Judicial Magistrate as an offence punishable under this Act under section 13.

10. Appeal.— Any person aggrieved from an order passed by a designated medical officer, health worker, Union Council or National Database Registration Authority may, within thirty days from the order or cause of action, prefer an appeal to the District and Session Judge Islamabad whose decision on the appeal shall be final.

11. Protection of health workers.– (1) Every person shall facilitate a health worker while performing functions under this Act.

(2) The Federal Government shall make arrangement wherever necessary for the protection and security of health workers in performance of their functions under the Act.

12. Offences and penalties.– (1) A person who,-

- (a) violates the provisions sub-section (1) of section 3;
- (b) does not comply with the provisions of sub-section (4) of section 3;
- (c) fails without just cause, to comply with an order under sub-section (2) of section 9;
- (d) violates any of the rules made under the Act;
- (e) fails to comply with the provisions of section 6; and
- (f) fails without just cause to comply with an order under sections 3, 6 and 9 after having been convicted before for the same or having neglected to obey a similar order for the same child;

shall be liable to be punished as follows: -

- (i) in case of an offence under paragraph (a), with simple fine that may extend up to one thousand Rupees or imprisonment for one month or with both;
- (ii) in the case of offences under paragraphs (b), (c) and (d) with a fine that may extend up to ten thousand rupees;
- (iii) in case of offence under paragraph (e) with fine of one thousand rupees and in case of second or subsequent offence of the same nature, shall be liable to punishment of fine which shall not be less than one thousand rupees or more than twenty five thousand rupees; and

- (iv) in the case of an offence under paragraph (f) with a term of simple imprisonment which may extend up to one month or a fine not less than twenty five thousand rupees.

(2) If a person propagates through a written or spoken word against vaccination, intimidates or obstructs a designated medical officer or health worker in the performance of the functions under this Act shall be liable to punishment of imprisonment which may extend to six months or fine which shall not be less than twenty five thousand rupees or more than one hundred thousand rupees or both.

13. Cognizance of offences.– Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898),-

- (a) An offence under section 12 shall be cognizable on the complaint of the Executive District Officer (Health) or any other officer designated by Executive District Officer (Health) and shall be bailable; and
- (b) a court shall not take cognizance of an offence under sub-section (2) of section 12 except on a complaint in writing by the Executive District Officer (Health) or any officer designated by Executive District Officer (Health);

14. Summary trial.– A Magistrate of class one shall summarily try an offence under this Act in accordance with the provisions of Chapter XXII of the Code of Criminal Procedure, 1898 (Act V of 1898) relating to the summary trials and may pass any sentence under section 12.

15. Compounding of offence.– (1) Subject to sub-section (2), the Federal Government or an officer specifically authorized in this behalf by the Federal Government may, at any stage, compound an offence under this Act subject to the deposit of administrative penalty which shall not be less than one thousand rupees.

(2) The offence under this Act shall not be compoundable if the accused had been previously convicted under the Act or his previous offence had been compounded by the Federal Government or the officer authorized by the Federal Government.

16. In addition to other laws.– The provision of this Act shall be in addition to and not in derogation of any other law.

17. Power to make rules.— The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act that shall include but not be limited to rules on the following: -

- (a) the division of a local area into vaccination circles;
- (b) the qualifications to be required of health workers and vaccinators;
- (c) the authority competent to appoint, dismiss and regulate health workers and vaccinators, the terms of their contract or license as the case may be;
- (d) the grant and form of certificates for successful vaccination or exemption from vaccination;
- (e) any distinguishing marks, badges or uniforms to be worn by health workers and vaccinators;
- (f) any fees to be paid to private vaccinators;
- (g) the procedure for vaccinations administered at home or outside the prescribed vaccination circle that the child would fall under; and
- (h) the preparation and keeping of registers recording vaccinations, names of children, delivery of certificates, etc.

18. Repeal.— The West Pakistan Vaccination Ordinance, 1958 (XXVII of 1958), to the extent of its application to Islamabad Capital Territory, is hereby repealed.

SCHEDULE

FORM I

Statement of Medical Exemption

[see sub-section (2) of section 3]

**HEALTH DEPARTMENT, ISLAMABAD CAPITAL TERRITORY
ADMINISTRATION**

I,-----Designated Medical Officer do hereby
certify that in my opinion----- (Name of the child),
son/daughter of -----age of-----, resident
of----- is in a state unfit for
administration of vaccine of the ----- (designated
vaccine preventable disease) and that such unfitness shall continue during the
following period:

- (a) during the current vaccination season.
- (b) From ----- to -----
- (c) For life.

(Signature) -----
Designated Medical Officer

Name -----

Designation-----

Address-----

Dated-----

STATEMENT OF OBJECTS AND REASONS

The Constitution of the Islamic Republic of Pakistan, 1973, guarantees the right to the life for every citizen of the country. Right to life has been recognized as a fundamental right and the state is duty-bound to provide safeguards and an enabling environment that allows an individual to lead a secure and healthful life. Protection from diseases that cause death and disability is therefore an obligation of the state.

According to Article 35 of the Constitution, it is the responsibility of the state to protect the marriage, the family, the mother and the child. Immunization has been recognized the world over as the most efficient and cost-effective strategy to control and prevent disease.

In Pakistan, one out of the ten children die before they reach their fifth birthday. A large percentage of these children die of diseases that can be prevented through vaccination.

Vaccination coverage in the country remains abysmally low despite a government run vaccination program that was established in 1978 to provide free of cost vaccination services against fatal and disability causing infectious diseases. The country is not on track to reach either MDG4 or its national immunization targets. Currently only 54% of children receive a full course of the vaccines included in Pakistan's EPI schedule while in many regions, coverage is even lower. Only sixteen percent of children in Balochistan Province receive any EPI vaccination with some districts reporting zero percent coverage of the third vaccination as per schedule. Pakistan also remains one of three countries with endemic polio, reporting highest number of cases worldwide.

Each year Billions of Rupees in investment is made into the program besides Millions of Dollars in aid from international donors. Pakistan has an annual birth cohort of 5.7 million children, and it has been the largest recipient of international support to date with over US \$842 million committed till 2019. A large percentage of children are not being covered by the vaccination program, with the result that there is colossal loss of the huge financial investment into the program.

A child is the most vulnerable segment of the society who requires protection and care by the family and the state. It is the right of every child to be protected against fatal diseases. It is alarming that around forty-six percent of children in the country remain deprived of their right to immunization in the country.

Access to immunization is the right of every child and duty of the state to ensure the services reach every child. Any hindrance caused to provision of immunization services causes grievous harm to a child and exposes him or her to highly infectious diseases that cause death or disability.

Pakistan has been facing a peculiar situation where organized and targeted attacks against vaccination teams are rampant. Killings and kidnappings of doctors, paramedics, vaccinators and volunteers associated with Polio Eradication Program were taking place sporadically between 2002 to 2014. However, violence against health workers administering vaccines reached a crescendo. July 2012 onwards when targeted attacks began in different cities of the country.

In the period between July 2012 and February 2015, eighty polio workers and those protecting them have been killed whereas fifty-four received serious injuries. Such brazen attacks against health workers finds no precedent anywhere in the world.

Concurrently, negative propaganda against vaccination led to a regime of fear both among the recipients of the service and the health workers with the result that polio vaccination remained suspended in parts of the country for extended period causing permanent irreversible disability to hundreds of children.

According to experts, denial of vaccination or inability to vaccinate a child not only exposes the child to a serious risk of contracting infectious diseases but also puts the other children in the community at risk. An unvaccinated child is therefore akin to a ticking bomb.

The intent of this bill is to establish immunization as a norm in the society through making the caregivers, health providers and heads of learning institutions of children, responsible to ensure that a child is fully protected against all diseases being covered under the country's immunization program and other interventions launched by the government in view of the incidence or prevalence of a particular disease.

The bill also aims to safeguard the society against propaganda that not only misleads parents and their influencers causing irreversible lifelong disability or disease to a child besides inciting violence against health workers.

The bill makes immunization compulsory for every child by involving a range of persuasive measures including pre-conditions to issuance of NADRA B form and admission to schools which will be granted provisionally to those not in possession of the certificate of vaccination.

Offences and penalties have also been prescribed with provisions for cognizance, summary trial and composition/compounding. This law will be in addition to other laws on the subject and Federal Government will be able to make rules for detailed for explanatory provisions for achieving the purposes of this law. Hence this Bill.

MS. AYESHA RAZA FAROOQ
MEMBER-IN-CHARGE