

PAK 13- Technical Assistance to Government of Pakistan for Formulation of National Food Fortification Act and Rules of Business

Terms of Reference (ToRs)

Nutrition International is committed to the fundamental principles of equal employment opportunity. Women are encouraged to apply.

Background

Nutrition Technical Assistance Mechanism (NTEAM) is a mechanism through which governments, development and nutrition partners, financial institutions, private sector, donors and foundations can access Nutrition International's global hub of world class technical expertise to fill gaps in scaling up nutrition and accelerate better health and nutrition outcomes.

Technical Assistance for Nutrition (TAN) is a project within Nutrition International's (NI) NTEAM funded with UK aid from the UK government. Through TAN, Nutrition International provides technical assistance to 20 countries who have joined the Scaling Up Nutrition (SUN) Movement and the SUN Movement Secretariat, to help overcome gaps in capacity for the design and delivery of multi-sectoral national nutrition plans, tapping into its global hub to source and deploy the expertise needed.

Malnutrition is a chronic, multi sectoral and multifaceted problem prevailing in Pakistan for decades. The recent report of National Nutrition Survey 2018 revealed that there is no substantial progress in nutritional status of the population. Currently 40.2 % of children under five years of age are stunted amongst which 39.4% are female and 40.9% are male. The percentage of wasted children is 17.7% with 17% female and 18.4% male while 28.9% children are underweight comprising of 28.4% females and 29.3% males.

In terms of micronutrient malnutrition, about 41.7% of women in reproductive age and more than 57.2% of adolescent girls are anemic. Similarly, 53.7% children under five are anemic with 5.7% being severely anemic. The prevalence of anemia is slightly higher (54.2%) amongst boys than girls (53.1%). In addition, 79.7% women of reproductive age and 62.7% children under five are vitamin D deficient. NNS 2018 further highlighted that 27.3% women of reproductive age and 51.5% children are vitamin A deficient.

Nutrition was institutionalized in the National Planning Commission (NPC) during the 1970s as a multi-sectoral development concern. Although the NPC had a mandate to mainstream nutrition across different sectors, operationalization was based in the nutrition wing of the Ministry of Health. Nutrition's



institutional home resulted in the conception of nutrition projects and operational plans as a sub-set of health, and therefore, remained confined to the Health sector¹

With Pakistan joining the SUN Movement in January 2013, the country has witnessed increased coordination between governments and donors, UN agencies and other development partners. A high-level National Nutrition Committee headed by the Ministry of Planning and Development and Reform (MPDR) oversees nutrition planning and implementation across sectors and ensures multi-sectoral implementation of nutrition interventions². In addition, nutrition has been prioritized in the Pakistan Vision 2025 and 12th Five Year National Development documents, with substantial allocations in the federal and provincial level annual plans³.

The Government of Pakistan sees adequate nutrition as a key ingredient for overall development and has identified food fortification as one of the vital approaches to control micronutrient deficiencies.

During 2001 Nutrition Wing was established in the Ministry of Health to implement micronutrient related activities. National Plan of Action for Elimination of Micronutrient Malnutrition was formulated in 2003 with the technical and financial assistance of the Nutrition International (NI), then Micronutrient Initiative. To move forward government's agenda of food fortification, NI provided TA and funding to establish a National Fortification Alliance (NFA) in 2003. National and Provincial Fortification Initiatives are being implemented under the umbrella of NFA. The most successful being Universal Salt Iodization Program in the country implemented by the NI is in collaboration with NFA and funds from the Canadian Government and UN-WFP. A National Food Fortification Strategy was formulated and approved in 2017 with the aim of creating enabling national environment for sustenance of salt, wheat flour, and oil fortification programs implemented by both public departments and private sector within various provinces. Further to this, Provincial Fortification Alliances (PFAs) have been established in all the provinces in 2016, as provincial chapters of NFA and improve multisector, multi-stakeholder coordination at the provincial level and to coordinate, plan, and implement food fortification initiatives at provincial levels. One such initiative is the Food Fortification Program (FFP) launched with funding from UK Government's Foreign, Commonwealth & Development Office (then DFID) and implemented by NI and Mott MacDonald (MM). Under FFP, the objective is to fortify wheat flour with Iron, Folic Acid, Vitamin B12 and Zinc while edible oil/ghee with Vitamin A and D.

Mandatory fortification of wheat flour with at-least iron and folic acid, edible oil/ghee with Vitamin A and D, and edible salt with iodine is considered pivotal for combating micronutrient deficiencies. Recognizing this, globally many countries have approved mandatory legislations for salt iodization, and for fortification of wheat flour and edible oil/ghee. National Fortification Alliance, in consultation with partners, revised Food Fortification Standards for Wheat Flour and Oil & Ghee as per WHO guidelines and need of the Pakistani Population, and shared with all the regulatory bodies in the country for approval

¹ Punjab Province Report: Nutrition Political Economy, Pakistan; August 2013

² SUN Movement Compendium 2014; Pakistan

³ GP MPDR



and endorsement. Pakistan Standards and Quality Control Authority (PSQCA) and Provincial Food Authorities adopted and endorsed these standards in consultation with NFA, Pakistan Flour Mills Association (PFMA), Oil & Ghee Association and other stakeholders. Fortification with Vitamin A in oil & Ghee, had been part of the Pure Food Rules 1968, and there was an addition of Vitamin D in the fortification standards that was finalized by PSQCA in 2017.

In addition, Pakistan has made significant progress in universal salt iodization. NI, WFP, and other partners worked together under the umbrella of National Fortification Alliance and Nutrition Wing of Ministry of Health to support efforts of government of Pakistan to address iodine deficiency disorders through universal salt iodization. These efforts have resulted in significant reduction of iodine deficiency. As per NNS 2018, the household level coverage of iodized salt has increased to 79.60% in comparison to 69% in 2011.

Overall, several fortification initiatives are being implemented in the country with strong intent from the Government and private industry as well as consistent support of donors and development partners. Currently, Legislation for mandatory food fortification is already under process in different provinces and at different stages, however a comprehensive national law on mandatory food fortification is also needed not only to cover Islamabad Capital Territory and federally administrated units but more importantly a national level legislation will also provide clear direction for large scale food fortification initiatives/interventions in all federating units and help motivating/ pushing provinces to move fast on provincial legislations.

In this context, the SUN FP of Pakistan has sought Technical Assistance from NI under the TAN project to support the Government of Pakistan in formulation of National Mandatory Food Fortification Act, and Rules of Business and facilitate the process of passing the bill through national assembly and senate.

Objectives

Overall objective

To support formulation of legal and regulatory frameworks for National Food Fortification legislation in Pakistan which would further create enabling environment for food fortification in the country, and to facilitate presenting this to the legislative bodies as appropriate.

Specific objectives

1. To analyze the existing food fortification landscape and related laws in the country including the regulations, and acts of provinces developed under the umbrella of National Fortification Alliance (NFA) & Provincial Food Fortification Alliances (PFFAs); and relevant global practices and policies/ rules/ acts
2. To support the formulation of National Mandatory Food Fortification Act and Rules of Business in collaboration with the Nutrition Wing of Ministry of National Health Services (NFA) and Nutrition Section (NS) of the Ministry of Planning Development and Special Initiative for enforcement of mandatory fortification of wheat flour with iron and folic acid, Vit B12 and Zinc; edible oil and ghee with Vitamin A&D; and salt with iodine



3. Coordinate and foster multi sectoral, multi stakeholder consensus of partners working under the umbrella of Nutrition Section of Ministry of Planning Development & Special Initiative (MoPD&SI) and National Fortification Alliance for finalization of national fortification acts and rules of business, and submission to the Government for further vetting and facilitate in drafting responses to any clarifications and amendment sought by relevant government departments (P&D, health, law etc.), and obtain vetting and approvals from the concerned quarters

Expected results

The TA is expected to create an enabling environment for the mandatory food fortification in the country. It is expected that the consultancy would lead to the following results:

- National Mandatory Food Fortification Act and Rules of Business formulated are in line with the global and national standards, and accepted by stakeholders
- National Act and Rules are developed in the legal formats as per the formats prescribed by the federal law department and other Government directives, through a consultative process involving all government and non-government stakeholders.

Gender

Nutrition International is committed to gender equality. Consultants are required to indicate how they will ensure that gender equality considerations are included in the provision of TA, including how they are incorporated into deliverables. Examples of integration of consideration for gender equality could include, but are not limited to: ensuring government departments responsible for women are included wherever possible, gender sensitive indicators are included, emerging data is sex disaggregated, and relevant documentation related to gender is reviewed. To this end, NI has developed the following tools which can be accessed using the links below:

- [NI integration of gender considerations checklist⁴](#)
- [NI background document on gender and nutrition](#)
- [NI PowerPoint presentation \(Gender 101\)](#)

⁴ The TA provider should pay particular attention to checklists 1.1 (Landscape analysis), 1.2 (Participation of stakeholders in consultations, meetings and workshops) and 2.5 (Effective operationalization and delivery of multisectoral nutrition plans).



Scope of Work

The consultant is expected to produce the following listed deliverables.

Deliverable(s):

1. A detailed time bound work plan for developing National Mandatory Food Fortification Act and Rules for its enforcement, and facilitating the approval of the same
2. Report on existing food fortification regulatory landscape in the country, and well supported with global best practices
3. Report on consultations with experts and stakeholders for gathering inputs for formulation of the draft Act and Rules of Business
4. Draft National Mandatory Food Fortification Bill/ Act
5. Hold consultative meetings with National Food Fortification Alliance, Ministry of National Food Security and Research, Provincial Food Departments, and other nutrition stakeholders
6. Draft Rules of Business for enforcement of National Mandatory Food Fortification Act
7. Report on consultations for finalizing the draft Act and Rules of Business
8. Final Draft National Mandatory Food Fortification Act and Rules of Business submitted to Ministry of Planning Development & Special Initiative (MoPD&SI) and Ministry of National Health Services Regulations and Coordination, Government of Pakistan for further submission to the Cabinet Committees and Federal Law Department for vetting and facilitate vetting and approvals by the relevant Government entities and legislative bodies.
9. Report on facilitative support provided for passage of the Act by the Government
10. DRAFT Roll out plan for implementation of the National Mandatory Food Fortification Act

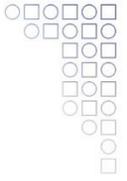
It is expected that the consultant would ensure the NI guidance on gender equality considerations is strongly built in the objectives as well as in the deliverables expected under this TA. To this end, the consultant will be asked to participate in NI TAN's gender onboarding conference call, prepare a *gender plans*⁵ to indicate which gender requirements relate to each TOR tasks and, if necessary, revisit its methodology accordingly.

Use of deliverables

Deliverables produced under this TA are intended to be used in the following way:

- Government of Pakistan will utilize the national acts and rules to catapult the food fortification initiatives in the country
- To enable the provinces to harmonize their provincial guidelines and implementation plans as per the national acts and rules
- The national act and rules would also enable the private sector to prioritize food fortifications within their agenda

⁵ Support from NI TAN's Gender Advisor will be provided to the consultant.



All deliverables will be shared with UK's Foreign, Commonwealth & Development Office.

Duty Station/Location

The Consultant will be based in Pakistan for this assignment. The Ministry of Planning Development & Special Initiative, National Fortification Alliance, and Nutrition International would provide official workspace when needed by the consultant to hold joint discussions, meetings, and reviews.

All travels required under this consultancy will be provided for by Nutrition International. Travel allowances maximums are based on standard rates of the organization

Timeline

This TA support would be for a period of up to 6 to 8 months, starting from November 2020.

Management and Reporting/Coordination mechanism

- The consultants will report to the Chief Nutrition, MoPD&SI, Pakistan who is also the Government Federal SUN Focal Point. The consultants shall share the report with Director Nutrition Ministry of National Health Services Regulations and Coordination who is the Secretary of National Food Fortification Alliance. The consultants will also work closely with other officials in Pakistan SUN Secretariat, specific divisions of MoPD&SI and NI team members.
- The national/provincial P&DD will facilitate the operational linkages with all the other relevant sectors and stakeholders under this TA.
- The consultants are expected to work in close coordination and harmony with other consultants/development partners working with the national/provincial P&DD.
- NI will provide funding for the assignment, and payment will be subject to performance and reaching deliverables as agreed upon at the moment of contract signing.
- NI will be responsible for technical guidance and quality assurance of the work being delivered by the Consultant.

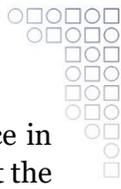
Profile/qualifications of consultant

A team of Consultants with requisite local knowledge and skill set would be preferred for this TA.

The Consultants will be selected following a competitive recruitment process. The profile of the Consultants has been presented below.

Education:

- i. A team of experts with at least Post-graduate level qualification experience in Law/ Food Law/ Food fortification/ Food Safety Law/ Food Regulatory Compliance/ any other related field(s). It is mandatory for the team to comprise of a legal expert.



- ii. A team with one legal experts well versed with legislative process especially past experience in formulation of Food Fortification Legislation and rules of business and with knowledge about the vetting of Legislation and approval by the legislative bodies; and a technical person with experience in food fortification and different minute details of implementation, monitoring and enforcement of regulatory process, is most preferred.

Language Skills: Fluency in written and spoken English and Urdu is mandatory.

Experience:

- i. At least 10 years of relevant experience in formulating and/or implementing and/or reviewing Acts, rules of business and Regulations related to nutrition/food/ food fortification/ food safety, etc.
- ii. Experience of supporting the national/ sub-national government(s) in setting up and/ or strengthening and/ or managing food fortification initiatives.
- iii. Experience reviewing and analyzing global food regulations/ laws/ Acts and synthesizing relevant information to contextualize to national/ sub-national settings.
- iv. Experience of working with Pakistan Standards and Quality Control Authority (PSQCA)/ Food Department/ Pakistan Council of Scientific and Industrial Research (PCSIR)/ Cabinet Committees/ law firms with expertise in food legislation would be an added advantage.
- v. Proven experience in managing multi-stakeholder and multi-sectoral working groups in national and/or sub-national settings.
- vi. Experience of working in a multi-cultural environment is an asset.

Application Process

Proposals should be submitted by email to TechnicalAssistance@NutritionIntl.org before close of business, 23rd September 2020, 5.30pm EST (Ottawa, Canada). Only complete applications will be reviewed.

- Up-to-date curriculum vitae (CV)
- Technical proposal: not exceeding five pages, describing the consultant’s understanding of the task, proposed methodology, gender equality considerations, responsibilities of key stakeholders and detailed work plan that breaks down activities and outputs.
- Financial proposal: including daily fee rate, suggested number of trips/days in-country and any other expenses required to fulfill the terms of the consultancy (field trips, meetings, materials, etc.).

NOTE: The approximate budget for this TA is in the range of approx. PKR 6,000,000 to 8,000,000, subject to minor changes at the stage of contracting and depending on the agreed methodology.

Kindly mention ‘**PAK 13- National Food Fortification Act and Rules**’ in the subject line of the email.

NI is committed gender equality. Consultants are required to indicate how they will ensure that gender equality considerations are included in the provision of technical assistance.