

PUBLIC PETITION REQUESTING THE PASSING OF THE EVIDENCE BASED NUTRIENT PROFILE MODEL AND FRONT- OF-THE PACK WARNING LABELLING REGULATIONS

Hon. Nobert Mao
Minister of Justice and Constitutional Affairs
Ministry of Justice and Constitutional Affairs
Parliamentary Buildings, Kampala
P.O. Box 7183
Kampala, Uganda

Dear, Hon. Minister,

RE: PETITION TO SEEK YOUR INDULGENCE TO ADOPT AN EVIDENCE-BASED NUTRIENT PROFILING MODEL FOR UGANDA TO PROMOTE HEALTHY FOOD CHOICES, PROTECT THE RIGHT TO HEALTH AND THE RIGHT TO ADEQUATE FOOD.

Warm greetings from the Uganda National Civil Society Coalition on the promotion of the Front of the Pack Nutrition Warning Labeling (UNCC-FOPWL).

We first express our gratitude to the Ministry of Justice and Constitutional Affairs for its tireless and unwavering commitment to upholding the rule of law and protecting the rights of all Ugandans under your distinguished leadership. However, as legal and human rights advocates working to promote healthy diets, we wish to express our deep concern over the growing burden of diet-related Non-Communicable diseases (NCDs) in Uganda.

This escalating public health challenge not only threatens the well-being of Ugandans but also undermines their constitutional right to health and adequate living. In light of this, we respectfully call for your intervention and leadership in supporting the adoption and enforcement of an evidence-based Nutrient Profile Model (NPM) for Uganda. This model will provide a robust foundation for the formulation and implementation of key regulatory and policy measures, including Front-of-Pack Warning Labels (FOPWL), restrictions on the marketing of unhealthy foods to children, and taxation of sugar-sweetened beverages (SSBs). These measures are essential for aligning Uganda's food environment with its constitutional and international human rights obligations, particularly the right to health and adequate food.

Hon. Minister, according to the Uganda's STEPS survey 2023, 33.2% of Ugandan adults were either overweight or obese, 23.5% had high blood pressure (93.5% of whom were not on medication), 3.3 % had type 2 diabetes (which is an increase from 1.4% in 2014) and 9.8% had three or more risk factors for CVD (2). The survey also found that mortality due to NCDs was 34% of all deaths¹ while according

¹ https://cdn.who.int/media/docs/default-source/ncds/ncd-surveillance/data-reporting/uganda/steps-survey-2023-moh-report.pdf?sfvrsn=b4e1b914_1&download=true

to WHO, the risk of premature death (under 70 years) due to NCDs is 22% in Uganda².

The STEPS survey also revealed that one of the main risk factors that predisposes Ugandans to NCDs is the intake of unhealthy foods and beverages. For example, the poll found that 11.3% of Ugandans said they eat processed food that is high in salt; this statistic is based on personal opinion rather than evidence or science. Based on the previously mentioned NCD statistics and the abundance of ultra-processed food and beverage products on the Ugandan market, it appears that a sizable portion of Ugandans consume processed foods and beverages high in sugar, salt, and saturated fats; however, the World Health Organization (WHO) considers these to be the critical nutrients of concern that are responsible for cardiovascular diseases, diabetes type 2, and other disorders.

While some Ugandans would want to consume healthy processed food and beverage products, this is not feasible due to the lack of a nutrient profiling model, which is a foundation for the formulation and implementation of key regulatory and policy measures, like Front-of-Pack Warning Labels (FOPWL) which would enable them to make well-informed food choices. Additionally, it violates Uganda's commitments to international human rights instruments, including the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in its articles 11 and 12, the Universal Declaration of Human Rights in its Article 25 on the Right to an Adequate Standard of Living, and the General Comment No. 12 on the Right to Adequate Food, which Uganda ratified. It also violates the rights to health and food. It is also in contravention with Uganda's International obligations to implement WHO NCDs prevention strategies and the Republic of Uganda's 1995 Constitution, which violates the state's duty to protect its citizens from unhealthy food and beverages, as well as the National Objective XIV, XXII, Articles 22, 33, 34, and 41.

We are aware that Uganda committed through its Ministry of Health to provide its citizens with a nutrient profiling model because there is currently a draft of the model at the Ministry. However, it is long overdue for the formulation process to be completed and the Nutrient Profiling Model (NPM) to be passed by the Ministry of Health.

Honourable, the Ministry of Health has a legal mandate to advance public health and, in particular, to meaningfully and effectively shield consumers from the consumption of unhealthy foods and beverages that put them at risk for non-communicable diseases (NCDs). This obligation is based on human rights, the law, and the constitution. There is no instrument like the Front of Pack Warning Labelling to assist Ugandans in identifying ultra-processed food and beverage products that are high in sugar, salt, and fat, despite the Ministry's legal obligation to promote, protect, and fulfil the rights to adequate food, nutrition, and health.

² <https://www.who.int/news-room/feature-stories/detail/un-supporting-uganda-to-halt-the-rise-of-non-communicable-diseases>

In order to expedite the formulation and approval of an evidence-based Nutrient Profiling Model (NPM) for Uganda, we humbly write to seek your indulgence and leadership. We respectfully urge you, Honourable Minister, to join hands with members of the legal fraternity to actively engage the Ministry of Health in ensuring that Uganda adopts an evidence-based NPM. This will not only advance the right to health but will also provide the legal and regulatory basis for much-needed policy reforms, including Front-of-Pack Warning Labels, marketing restrictions on unhealthy foods, and taxation of sugar-sweetened beverages.

We appreciate your selfless service and look forward to your positive attention to our request.

Yours faithfully

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Adv. Dr. Kabanda David (PhD)

Chairperson Uganda National Civil Society Coalition on the promotion of the Front of the Pack Nutrition Warning Labeling (UNCC-FOPWL).

CC: Permanent Secretary. Ministry of Health.

CC: Director General. Health Services, Ministry of Health

CC: The Hon. Minister of Agriculture, Animal Industry and Fisheries.

CC: The Hon. Minister of Trade, Industry and Cooperatives.

CC: The Speaker of the Parliament of Uganda

CC: Uganda Journalists Association.

CC: Civil Society Coalition on the promotion of the Front of the Pack Nutrition Warning labeling.

PETITION TO SEEK YOUR INDULGENCE TO SUPPORT THE ADOPTION AND PASSING OF A MANDATORY EVIDENCE-BASED NUTRIENT PROFILING MODEL FOR THE CITIZENRY OF THE REPUBLIC OF UGANDA TO PROMOTE

HEALTHY FOOD CHOICES, PROTECT THEIR RIGHT TO HEALTH AND THE RIGHT TO ADEQUATE FOOD.

Minister of Justice and Constitutional Affairs

We first express our gratitude to the Ministry of Justice and Constitutional Affairs for its tireless and unwavering commitment to upholding the rule of law and protecting the rights of all Ugandans under your distinguished leadership. We commend and applaud your leadership for the efforts thus far.

We are writing to your Office to express the deep concern of the citizenry of the Republic of Uganda about the increased danger of diet related Non- Communicable Diseases which have become a global threat worldwide claiming lots of lives including lives of many Ugandans.

We, the public under the Uganda National Civil Society Coalition on the promotion of the Front of the Pack Nutrition Warning Labeling (UNCC-FOPWL), committed to promoting healthy diets through the lens of law and human rights, we are appealing to the Ministry of Justice and Constitutional Affairs to support and champion the adoption of an evidence-based Nutrient Profiling Model for Uganda. Your leadership is crucial in ensuring that legal frameworks and public health policies work hand in hand to protect the right to adequate food and health for all Ugandans. This will ensure that the Government continues to meet its obligation of preserving fundamental health, nutrition and Adequate Food Rights for Ugandans.

In Uganda, Non-communicable diseases (NCDs) represent an increasingly significant burden of ill health and death, accounting for 33% of all death³. The rise of NCDs has become a global issue with high numbers of deaths registered worldwide at 41 million, the World Health Organization re-affirms this and states that each year, 15million people die from NCDs between the age of 30 and 69 years and over 85% of these premature deaths occur in low- and middle-income countries.

The World Health Organization notes that governments have a central role in creating an enabling environment to promote healthy diets by making the citizenry/ public knowledgeable about the nutrients of critical concern in foods and beverages sold to the public. Some of the proposed actions to policy makers to create a healthy food environment include the following:

- (i) Creating coherence in national policies and investment plans including trade, food and agricultural policies and including public health objectives.

³ Uganda-WHO: RISK OF PREMATURE DEATH DUE TO NCDS. https://www.who.int/nmh/countries/uga_en.pdf

- (ii) Adopting an evidenced-based Nutrient Profiling Models focusing on the restriction of marketing of unhealthy diets and enhancing the front of pack warning labels.
- (iii) Fiscal/economic incentives or disincentives (e.g. taxation and subsidies) which can contribute to promotion of health diets);
- (iv) Encouraging consumer demand for healthier foods (through for instance, restricting food marketing, supporting point of sale information, including through nutrition labeling that ensures accurate, standardized and comprehensible information of nutrient contents in foods; and
- (v) Promoting appropriate infant and young child feeding practices.

Unless the above policies are made more effective, informed by a robust Nutrient Profiling Model, the health of the citizenry of the Republic of Uganda is at stake as many Ugandans have and will continue to succumb to diet related Non-Communicable Diseases. Besides, agencies such as Uganda National Bureau of Standards is mandated with creating nutrition labelling standards in Uganda; however, without a nutrient profiling model, this is not feasible.

Across the globe, numerous governments, including Chile, have implemented Nutrient Profiling Models into their laws as a means of regulating unhealthy diets by promoting Front of Pack Warning Labelling. Research showed that the introduction of Chile's NPM, significantly decreased consumption of ultra-processed foods while producing significant economic benefits for the nation. The food sector in Chile according to Food and Agriculture Organization (FAO) improved the quality of the food supply by lowering the quantity of sugar and sodium in it and by using the existence of a healthier product portfolio as a marketing tactic, and generally the food industry positively changed its discourse on regulation⁴.

Some countries in Africa like Kenya and South Africa have developed evidence-based Nutrient Profiling Models as part of its comprehensive strategy to enhance public health and nutrition while addressing the increasing burden of diet-related non-communicable diseases (NCDs). In south Africa, the model has been established and for the case of Kenya, the model is set to be adopted soon. This shows the commitment of countries in East and Southern Africa to implement effective measures that regulate unhealthy food consumption among their population.

We bring this PETITION request to draw your attention of the urgency and need of putting in place an evidence-based Nutrient Profiling Model for the Republic of Uganda as a legal policy tool that will lay grounds for FOPWL regulations and reduce mortality rates caused by diet-related Non- Communicable Diseases.

⁴ <https://openknowledge.fao.org/server/api/core/bitstreams/7fc646ea-a5c9-406a-af2a-d9eea6e6e612/content>

THEREFORE, it is our prayer that an evidence-based Nutrient Profiling Model be passed as soon as possible. This tool will then support the regulation of the marketing of unhealthy diets and encourage Front of Pack Warning Labelling on foods and beverages high in fat, salt and sugar to safeguard the health and future of millions of Ugandans yet to succumb to diet related Non-Communicable Diseases.

We look forward to your urgent and positive intervention.

FOR GOD AND MY COUNTRY

We the undersigned:

Uganda National Civil Society Coalition on the promotion of the Front of the Pack Nutrition Warning Labeling (UNCC-FOPWL).

Attached is a booklet containing signatures of Lawyers who are advocating for the passing of an evidence based Nutrient Profiling Model and Front of the Pack Warning Labelling (FOPWL).

C.C. Minister of Health

C.C. Permanent Secretary, Ministry of Health.

C.C. Director General Health Services, Ministry of Health

C.C: Office of the Speaker, Parliament of Uganda.

C.C. Ministry of Agriculture, Animal Industry and Fisheries.