

# FINAL TECHNICAL REPORT \_INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

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# The use of Human-Rights Based Approaches (HRBAs) for the promotion of healthier food environments and prevention of Non Communicable Diseases in Uganda

## BACKGROUND

In the last 20 years, there has been a significant rise in the prevalence of diet related Non- Communicable Diseases (NCDs) in Sub-Saharan Africa. In Uganda, the burden of NCDs has been associated with rapid transition to globalisation, minimal adherence to regulatory frameworks for food marketing and labelling and increased consumption of Sugar-Sweetened Beverages (SSBs) among other factors. The World Health Organization in 2019 estimated the total number of deaths caused by NCDs in Uganda at 33%. In addition, unhealthy food and non-alcoholic beverage advertising to children is unregulated in rural, urban areas and school zones.

Notably, Uganda has made significant steps in addressing the soaring burden of NCDs on its health system through the 2015 Tobacco Control Act and the endorsement of key global frameworks such as: The Global Strategy on Diet, Physical Activity, and Health; the Global Action Plan for the Prevention of NCDs; and, the WHO Set of recommendations on the Marketing of Foods and Non-Alcoholic Beverages to children. However, there is slow progress in adaptation of national policies and programs on NCDs reduction. There have also not been any efforts geared towards integration of human rights approaches in decision making on healthy diets consumption.

Against this backdrop, and under the auspices of the Human Rights and Healthy Diets Research Support Initiative, the research team embarked on a study to generate knowledge on stakeholder experiences, barriers, capacity gaps, and opportunities for using Human Rights-Based Approaches to advance the policy agenda to promote healthy diets and prevent NCDs in Uganda.



## METHODOLOGY

This study is a component of a broader study in the East Africa Region focusing on three target countries: Kenya, Tanzania and Uganda. This research built on findings from a scoping review of the regional and international literature of an HRBA to healthy diets. The findings from the scoping review were used to inform the development of an interview questionnaire to elicit qualitative and quantitative data regarding participants' understanding of HRBA, the use and potential utility of HRBA in the country-specific context and issues related to unhealthy diet more broadly. The study was conducted between March and June 2022.

The findings in this brief capture responses from fourteen (14) Key Informant Interviews (KIIs) from a qualitative study sample of three categories: Civil society actors relevant to health and/or food involved in Global Regulatory & Fiscal Capacity Building Programme (Global RECAP); Academia and researchers involved in research on NCDs, Law, and Human Rights; and, Government representatives from ministries, parastatals, parliamentary representatives in the area of food, nutrition and health and involved in Global RECAP programme. A regional dialogue was later held in Nairobi on 27-28th July 2022 with the sole purpose of presenting, discussing and validating the preliminary findings from the KIIs, and to gain country- and sector-specific feedback on the findings.



## KEY FINDINGS

### » 01 Knowledge of HRBA and its use in the promotion of healthy diets

#### HRBA definition and key principles

The majority of respondents defined HRBAs as the relationship between the right holders and duty bearers anchored in the fundamental freedoms with clearly spelt out roles and responsibilities of the two groups.

### » 02 Level of knowledge of the use of HRBAs in relation to healthy diets

Eight out of fourteen (8/14) respondents reported having a good to excellent knowledge of the use of HRBAs, while five out of fourteen (5/14) respondents had very limited knowledge. Only two out of fourteen (2/14) respondents thought the use of HRBAs was non-existent.

### » 03 Familiarity with the HRBA and the extent they use it in their work

Findings reveal that twelve out of fourteen ( 12/14 ) respondents found the HRBA very relevant to their area of work. Some organisations use the HRBA as a tool to create awareness at the community level and build their capacity to negotiate healthier diets to prevent NCDs.

1. CSOs in Uganda use the Human Rights Enforcement Act to train their constituents from grassroots to national level on their rights, severity of NCDs and the use of HRBAs to negotiate for healthy diets in the workplace. They have also initiated engagement with the Ministry of Finance on the Excise Duty Act to negotiate for an SSB tax increment and clarity on beverage classification in this law.
2. Universities such as Makerere University, Uganda Christian University and Cavendish University use food law clubs to empower young professionals on the HRBA to promote healthy diets and prevent NCDs.

3. At parliamentary level, there is an advocacy working group on using legal tools to promote healthy diets.

4. There are entities in Uganda that can help enhance awareness and negotiate for healthier diets such as: Uganda law society food and nutrition cluster, Nutrition Society of Uganda, the Food Science Alumni Association, the Uganda Communication Commission, line Ministries responsible for child health and other professional initiatives.

### » 04 Familiarity with key human rights instruments

Generally, respondents with a legal and human rights background could easily identify the Human Rights law instruments that can support legal and policy interventions intended to promote healthy diets, compared to other respondents who lacked specific human rights-expertise. Some respondents confused key Human Rights Instruments with national policies, and guidelines. Below are the instruments identified by participants as relevant to an HRBA approach to healthy diets:

**International level instruments:** The International Covenant on Economic, Social, and Cultural Rights - which provides for key rights such as the Right to Health, and the Right to an Adequate Standard of Living. The International Covenant on Civil and Political Rights - which provides for the freedom of expression and access to information.

**International level guidelines:** The UN guidelines on business and human rights - these guide States on how to regulate multi-national corporate investors who advertise their food products that may contribute towards the development of NCDs.

**Regional level instruments:** The African Charter on Human and People's rights (ACHPR)

**National level:** The Uganda Constitution, The Public Health Amendment Bill 2022, The Excise Duty Amendment Bill, 2022

## OBSTACLES AND BARRIERS THAT RESEARCHERS, CIVIL SOCIETY ORGANISATIONS AND POLICY ACTORS FACE TO EFFECTIVELY USE HRBAS TO PROMOTE HEALTHY DIETS

Lack of political will: The government treats diet issues as cultural and private. Policy interventions to promote healthy diets are seen as dictating people's food choices. Some duty bearers own the unhealthy food businesses hence reluctant to support policies on healthy diets.

Information on HRBAs is not fully included in the national education system: Uganda's education system does not introduce the HRBAs right from school, and even in the different law schools, Human Rights is just an optional course.

Poor coordination and parallel initiatives/ interventions: As much as Uganda has existing structures and platforms, having parallel programs at community level causes confusion and resource wastage that make it difficult to harness HRBAs to promote healthy diets. The respondents noted that although there are some laws and policies focusing on tobacco, HIV and alcohol control policies, multi-stakeholder political will to draft laws and regulations vary. The lack of specific financing for formulating, launching, and disseminating these documents are key barriers.

### In respect of specific policy interventions:

#### 1. Systemic gaps in nutrition labelling:

Corruption by regulations enforcers and the low socio-economic status among some population segments are key barriers to implementing HRBAs on nutrition labelling. In addition, ignorance of rights claimants about the repercussions of an unhealthy diet worsens the situation, most people switch to healthy lifestyles after developing NCDs, the population seems to take NCDs as a family issue.

#### 2. Restrictions on the marketing of food and non-alcoholic beverages to children:

Private actors have significant influence over the implementation and development of policies to restrict marketing of food and non-alcoholic beverages. There is limited government capacity to conduct the inspections, and research in this area, and some private actors are able to avoid having their goods inspected, especially among those who import food products.

#### 3. Minimal appreciation of SSB taxation:

There is minimal appreciation and awareness of the linkages between SSBs consumption and growing rates of NCDs amongst government stakeholders. The government fears losing revenue from SSBs taxation. In addition, there are coordination gaps between the Ministry of Trade, Industry and Cooperatives and the Ministry of Health, which prevents the implementation of fiscal measures like SSBs taxation in the country to promote healthy diets.

## THE MAIN KNOWLEDGE GAPS FOR RESEARCHERS, CIVIL SOCIETY ORGANISATIONS AND POLICY ACTORS TO EFFECTIVELY USE HRBAS TO PROMOTE HEALTHY DIETS

1. Whilst Uganda has capacity to implement HRBAs due to the presence of frameworks such as Tobacco Control Act 2025 and Alcohol Control Bill 2016, similar efforts have not been deployed to target the promotion of healthy diets.
2. There is minimal knowledge amongst stakeholders on the legal and policy processes involved in drafting regulations for food and nutrition labelling, and restrictions on the marketing of food and non-alcoholic beverages.
3. Uganda has not invested in periodical research on creating healthy food environments which is needed to inform key policies in the prevention of NCDs.

## OPPORTUNITIES AND FOR APPLYING HRBAS IN POLICY AND ADVOCACY ACTIVITIES FOR THE PROMOTION OF HEALTHY DIETS

There are a number of opportunities ranging from active consultative legislative amendments, advocacy networks, and community structures that Uganda can leverage on in mainstreaming Human Rights Based Approaches to promote healthy diets for its population.

#### 1. Presence of advocacy groups for community empowerment:

Groups like the tax justice alliance, and the parliamentary advocacy group for promoting healthy diets, the University clubs on health and law are networks that can be used to train communities on how to apply the HRBAs in policy and advocacy activities for the promotion of healthy diets.

#### 2. Ongoing amendments of Acts of parliament:

Uganda is currently revising and amending several Acts of parliament/bills, including but not limited to the Public Health Amendment Act of 2022, the Income tax (Amendment) Bill, 2022, The Finance Bill, 2022, and the Tax Procedures Code (Amendment) Bill, 2022. Amending the Acts of parliament is timely for negotiating and proposing clauses to create a healthy food environment, to influence budgets and taxation of SSBs.

#### 3. Lessons and platforms from other programs in the country:

Findings revealed that Uganda can use the sexual and reproductive health program and CSOs' systems and platforms to introduce HRBAs, promote healthy diets and prevent NCDs.

#### 4. Use of community structures:

Uganda has the Local Councils/grassroots leadership structures from village to district level. The leadership of these structures can be trained on the use of HRBAs to promote healthy diets and prevent NCDs at the community and school levels.

## RECOMMENDATIONS

1

There is a need to introduce HRBAs as a core subject or course in the basic Uganda Education System. At the moment, only the law courses offer it as an option.

2

Research institutions need to conduct joint research on healthy diets with the Ministry of Education and Health. The findings of the research could inform nutrition education and programs from primary to tertiary level institutions of learning as well as policies and laws on healthy diets.

3

There is a need to include HRBA in monitoring and evaluation efforts such as the STEPS survey and the Ministry of Health Monitoring and Information System including introducing indicators related to policy interventions to improve diets.

4

Both the duty bearers and rights holders need a capacity building intervention on the HRBAs to promote healthy diets and prevent NCDs in Uganda.

## CONCLUSION

Stakeholders in the food and nutrition industry in Uganda are positive about the idea of incorporating HRBAs to promote healthy diets and prevent NCDs in the country. There is need for coordinated and strengthened partnerships amongst government, private sector and policy actors to enhance understanding and buy in on design and application of HRBA focused regulations, programs and laws.



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rights-based approaches to promote healthy diets with a view to identifying priority areas in research and policy where additional support is needed.

The views expressed in this Publication are the views of the author(s) and do not necessarily reflect the views or policies of IDLO or its Member Parties.

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