

# Towards a Human Rights Approach to Obesity Prevention



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# Advertising responsibly to children

- **‘Advertising to children under 12 years’** = advertising to media audiences with over 35% of children under 12 years
- **‘Marketing communications’** = paid advertising or commercial sales messages for food and beverage products, including marketing communications that use licensed characters, celebrities and movie tie-ins
- **Media covered:** TV, radio, print, cinema, online (including company-owned websites), DVD/CD-ROM, direct marketing, product placement, interactive games, outdoor marketing (to be defined by interpretative guidelines), mobile and SMS marketing

# Shifting investment

- From regulated to unregulated programme

- From regulated to unregulated media



# Equity brands characters



# Sports sponsorship and the food industry



official restaurant



# From the international to the local level



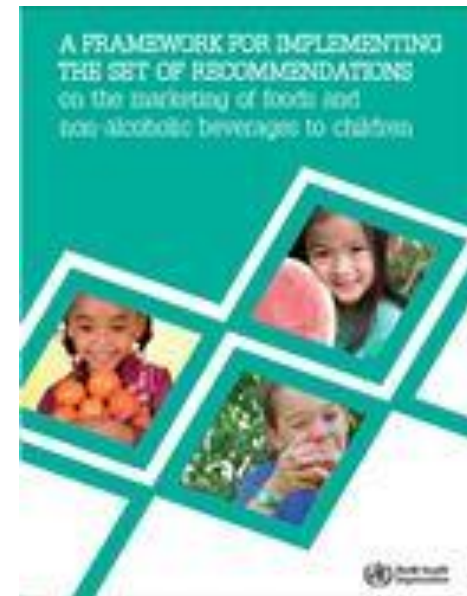
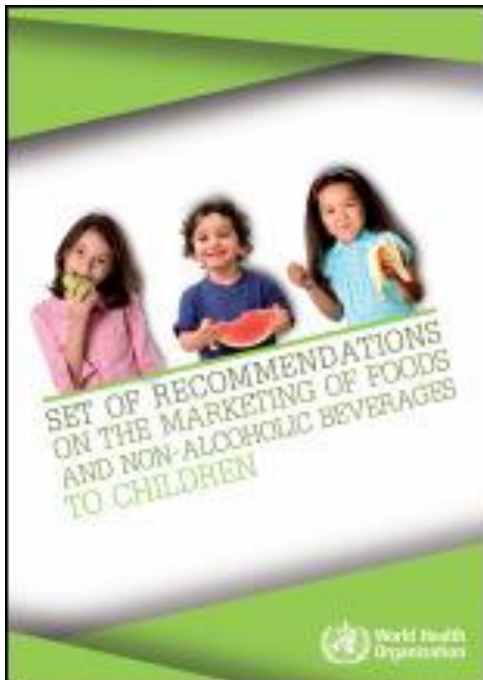
# WHO Recommendations 2010

## Unanimously endorsed by Resolution WHA 63.14

Overall objective: to reduce the impact of marketing on children and therefore contribute to effective obesity prevention strategies

## Framework Implementation Report (2012)

Puts some flesh on the bones of the Recommendations and identifies key considerations for States to take into account



# The greater potential of a comprehensive approach

- Recommendation 2:
  - ‘Given that the effectiveness of marketing is a function of **exposure** and **power**, the overall policy objective should be to **reduce both** the exposure of children to, and power of, marketing of [unhealthy food].’
- Recommendation 3:
  - ‘To achieve the policy aim and objective, Member States should consider different approaches, i.e. **stepwise or comprehensive**, to reduce marketing of [unhealthy food] to children’
- Recommendation 5: ‘**settings where children gather**’



# Towards a “human rights approach” to NCD and obesity prevention

One of the overarching principles of the **WHO NCD Global Action Plan for 2013-2020** requires a “human rights approach”

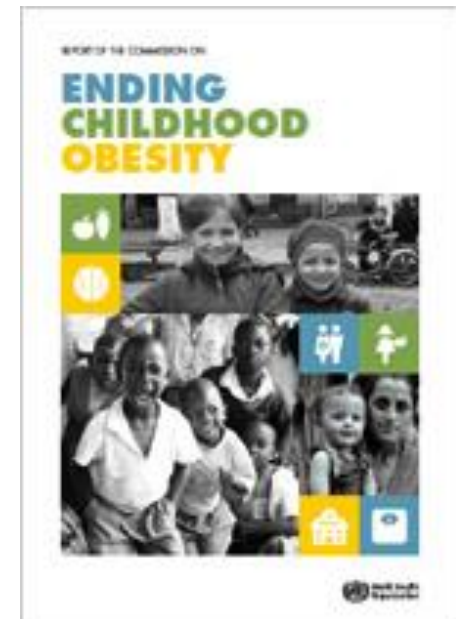
“It should be recognized that **the enjoyment of the highest attainable standard of health** is one of the fundamental rights of every human being, without distinction of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, as enshrined in the Universal Declaration of Human Rights (at paragraph 18).”

# Towards a “human rights approach” to NCD prevention

Echoed in the **Final Report of the ECHO Commission** of 25 January 2016:

“Government and society have a **moral responsibility** to act on behalf of the child to reduce the risk of obesity. Tackling childhood obesity resonates with the universal acceptance of the rights of the child to a healthy life as well as the **obligations assumed by State Parties to the Convention of the Rights of the Child.**” (on page 8)

See also on page 40



# State Human Rights Obligations

Human rights are **legally binding** and impose **obligations on States**:

**Respect:** States must refrain from interfering with the enjoyment of human rights

**Protect:** States must protect individuals and groups against human rights abuses, including from non-state actors / third parties

**Fulfill:** States must take positive/active measures to establish the necessary infrastructure to facilitate the enjoyment of human rights, including setting up institutions and procedures (allocation of resources, laws...) to ensure that the standards are met

# Article 24 CRC

1. States Parties recognize **the right of the child to the enjoyment of the highest attainable standard of health** and to facilities for the treatment of illness and rehabilitation of health [...].
2. States Parties shall pursue full implementation of this right and, **in particular**, shall take appropriate measures:
  - (a) To diminish infant and child mortality;
  - (c) **To combat disease and malnutrition**, including within the framework of primary health care [...] through the **provision of adequate nutritious foods and clean drinking-water** [...];
  - (e) To ensure that all segments of society, in particular parents and children, are **informed**, have access to **education** and are **supported in the use of basic knowledge of child health and nutrition**, the advantages of breastfeeding [...]
4. States Parties undertake to promote and encourage **international co-operation** with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

# Anand Grover, UN Special Rapporteur on the Right to Health, June 2014

‘Owing to the **inherent problems associated with self-regulation and public–private partnerships**, there is a need for States to adopt laws that prevent companies from using insidious marketing strategies. The responsibility to protect the enjoyment of the right to health warrants State intervention in situations when third parties, such as food companies, use their position to influence dietary habits by directly or indirectly encouraging unhealthy diets, which negatively affect people’s health. Therefore, **States have a positive duty to regulate unhealthy food advertising and the promotion strategies of food companies**. Under the right to health, States are **especially** required to protect **vulnerable groups such as children** from violations of their right to health.’

# Olivier De Schutter, UN Special Rapporteur on the Right to Food, September 2011

‘It is **unacceptable** that when lives are at stake, **we go no further than soft, promotional measures** that ultimately rely on consumer choice, without addressing the supply side of the food chain. [...] **Food advertising is *proven* to have a strong impact on children, and **must be strictly regulated** in order to avoid the development of bad eating habits early in life.’**

# Dainius Puras, UN Special Rapporteur on the Right to Health, April 2016



‘States should ensure full compatibility between sport policies, rules, programmes and practices, and human rights law, and should intensify their efforts to prevent systemic and ad hoc rights violations perpetrated by third parties.’

‘States can take other steps to facilitate the adoption of healthy lifestyles, with a view to ensuring policy coherence and effectiveness. One such measure is the adoption of laws limiting the marketing of tobacco and unhealthy food and beverages in the context of school-based sporting activities and at professional sporting events.’

‘States should ban the advertising, promotion and sponsorship of all children’s sporting events, and other sporting events which could be attended by children, by manufacturers of alcohol, tobacco, and unhealthy foods.’

# Thank you

## Time for a debate with the audience!



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