



RED DE PADRES Y MADRES

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Hilal Elver  
Special Rapporteur on the Right to Food  
Office of the High Commissioner for Human Rights  
8 – 14 Avenue de la Paix 1211, Geneva 10  
Switzerland

Respected Special Rapporteur Hilal Elver:

I am writing to you on behalf Red PaPaz, a Colombian not-for-profit organization that advocates the rights of children and adolescents, to bring to your attention a current violation of human rights. On August 5, 2019, the Colombian Government entered into an agreement<sup>1</sup> with several representatives of the processed food industry, aimed at promoting the industry's growth. This agreement identifies a series of issues, which allegedly prevent the industry's development. Among these issues, there is one referred to as follows:

ENTORNO COMPETITIVO (EC)	
Cuellos de botella	Solución
EC-3 Presión por reglamentar normas de etiquetado frontal vía Proyecto de Ley sin fundamento técnico, que afectan a la industria de alimentos procesados.	EC-3-1 Conformar una mesa técnica en la que se revisarán las normas de etiquetado y además que estas normas se armonicen con las necesidades en mercados externos de interés (incluyendo etiquetado frontal). (Consejería Presidencial para la Competitividad y la Gestión Público – Privada).

Translation to English:

#### COMPETITIVE BACKGROUND (EC)

<sup>1</sup> The agreement is referred to as *Pacto por el crecimiento del sector de alimentos procesados* and it is attached to this Complaint.





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### **Obstacle**

EC-3 Pressure to regulate front-of-package labeling via legislative bill without technical grounds, which affects the industry of processed foods.

### **Solution**

EC-3-1 Establish a technical committee to review labeling regulations that correspond to the needs of the international markets of interest (including front-of-package) (Counsel to the Presidency for Competitiveness and Public- Private Management)

According to the agreement, the repeated attempts from the civil society urging Congress to pass a legislative bill in order to regulate labeling of ultra-processed products by applying a front-of-package warning, to allow citizens to clearly, easily and quickly identify products high in sugars, salt and fats, constitutes a barrier to the industry's growth, and therefore must be coped by both parties. In other words, the Colombian Government has agreed to frustrate any effort from the civil society and Congress to implement the aforementioned regulation. This covenant not only violates the Colombian Constitution, but also several human rights agreements, including the International Covenant on Civil and Political Rights (ICCPR) and more so the International Covenant on Economic, Social and Cultural Rights (ICESC).

As per article 78 of the Colombian Constitution, Congress must regulate the quality of the goods and services offered to the public, as well as the information given to the public in connection to them. Besides, all regulations issued by Congress must guarantee the participation of organizations of consumers, in order to serve the common welfare. Therefore, it is not possible to inhibit Congress from passing legislation directed to attain this purpose, nor restrict the competencies and role of the food regulatory agencies and Ministry of Health and other executive bodies in protecting public health and adequate nutrition, nor to limit the organizations of the civil society from participating in the decisions that affect them.

Moreover, according to section 11 of the ICESC, it is the States Parties duty to *"improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or*





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*reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources".* However, in this case there appears to be no interest whatsoever from the Colombian Government that people know what they are eating. Otherwise there would not be an agreement to obstruct any attempt to inform consumers about the qualities of the ultra-processed products.

The agreement recently entered into between the Colombian Government and the representatives of the processed food industry, precludes any possibility of applying front-of-package labeling warnings on ultra-processed products, which has proven to be a successful policy in other Latin American countries, such as Chile and Peru. Likewise, the agreement attempts to prevent the people, particularly children and adolescents from knowing relevant information about the products that are being offered in the market.

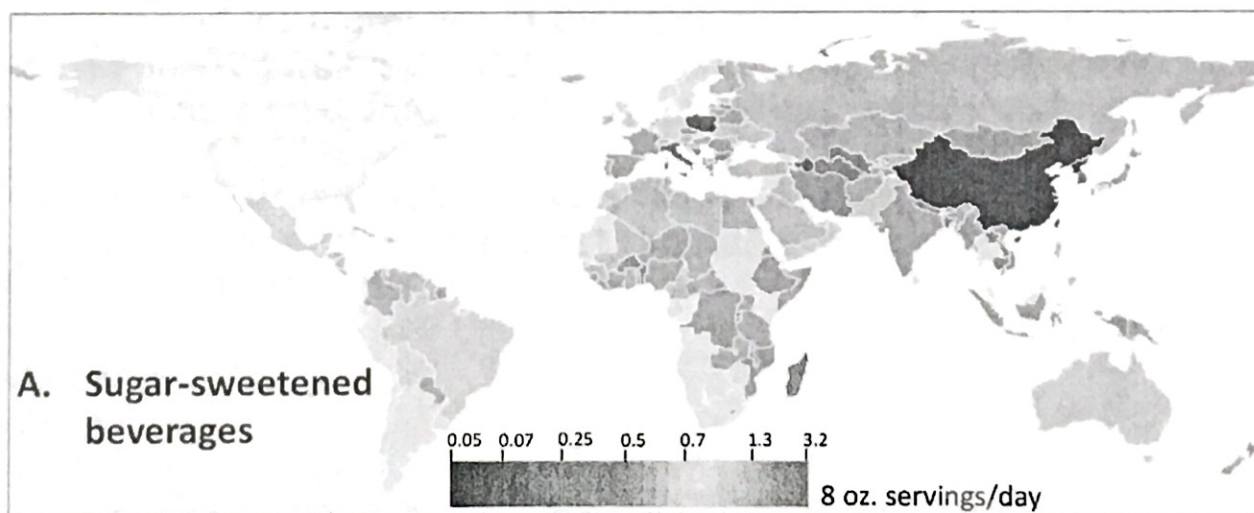
Front-of-package labeling is key in allowing children and adolescents, as well as most people who do not understand the nutritional information provided, to know whether a given product is high in sugar, sodium, or fats. This is essential not only to protect the right to information, but also the right to food, the right to health, as well as the right to an adequate living. Moreover, the current regulatory initiative, which the agreement is trying to stop, seeks to define the products that should and should not be offered in schools in order to offer students nutritious foods that fulfill all their requirements and are coherent with culture, social justice and agrobiodiversity.

The agreement jeopardizes their right to food, as citizens, particularly the ones under the most vulnerable conditions, will not know what they are acquiring, and whether the products allow them to satisfy quantitatively and qualitatively their needs for an adequate and sufficient diet corresponding to the cultural traditions, ensuring a physical and mental, individual and collective, respecting and protecting the natural resources, and fulfilling and dignified life free of fear.

During the last years Red PaPaz has conducted campaigns in order to promote healthier food choices for children and adolescents. Some of these campaigns have been censored by the media that is under common



control of some of the leading producers of sugary beverages and ultra-processed products. For this reason Red PaPaz has filed lawsuits seeking the protection of its freedom of speech. The Colombian Courts have granted the appropriate protection, which has allowed Red PaPaz, to disseminate its message through the major TV channels. Likewise, Red PaPaz has filed lawsuits against companies for false and misleading advertisement of different products that target children. However, the Government has not taken proper action. For this reason, and given the levels of consumption of ultra-processed products, particularly sugary beverages, as referred in the map below, it is urgent for civil society organizations to seek the adoption of a regulation as the one implemented in other jurisdictions, which has had a positive impact of the right to food.



<sup>2</sup> As demonstrated in the map, Colombia is one of the leading consumers of sugary drinks. This may explain the raise in children overweight from 18,8 % in 2010 to 24,2 % in 2015.<sup>3</sup>

In light of the above, I respectfully request that you exercise your authority as UN Special Rapporteur on the Right to Food to protect the people of Colombia from arbitrary agreements that run counter to the democratic principles and that deprive them from knowing particular qualities of ultra-processed products, that are associated with the diseases

<sup>2</sup> Singh GM, Micha R, Khatibzadeh S, Shi P, Lim S, Andrews KG, et al. Global, Regional, and National Consumption of Sugar-Sweetened Beverages, Fruit Juices, and Milk: A Systematic Assessment of Beverage Intake in 187 Countries. Müller M, editor. PLOS ONE. 2015 Aug 5;10(8):e0124845.

<sup>3</sup> Comparison between National Nutrition Surveys of 2010 and 2015.



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qualities of ultra-processed products, that are associated with the diseases that cause most of the deaths and loss of years of healthy life in Colombia. Specifically, I beseech you to call on the Colombian Government to provide information on this particular agreement and all other entered into with the industry of processed food. Furthermore, considering that this precise agreement violates human rights, it is imperative that the Colombian Government rescinds such agreement in order to ensure the protection of those human rights currently being violated as a result of this situation.

I will remain at your disposal to provide any further information with respect to front-of-package labeling, and the proposed legislative bill. Moreover, Red PaPaz may offer appropriate documents concerning the scientific and legal grounds of the front-of-package labeling, as well as, information regarding the Colombian health and nutrition situation and other efforts aimed enforcing the right to food in Colombia.

Once more, I urge to take these issues into serious consideration and to take appropriate action to protect the rights and prevent further threats to the people of Colombia.

Sincerely,

Carolina Piñeros Ospina  
Executive Director  
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