



GLOBAL CENTER FOR  
**LEGAL INNOVATION ON  
FOOD ENVIRONMENTS**  
An Initiative of the O'Neill Institute at Georgetown Law

**O'NEILL  
INSTITUTE**  
FOR NATIONAL & GLOBAL HEALTH LAW  
GEORGETOWN LAW

# Unhealthy diets from a rights-based perspective

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October 30, 2023



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# Foundations of human rights

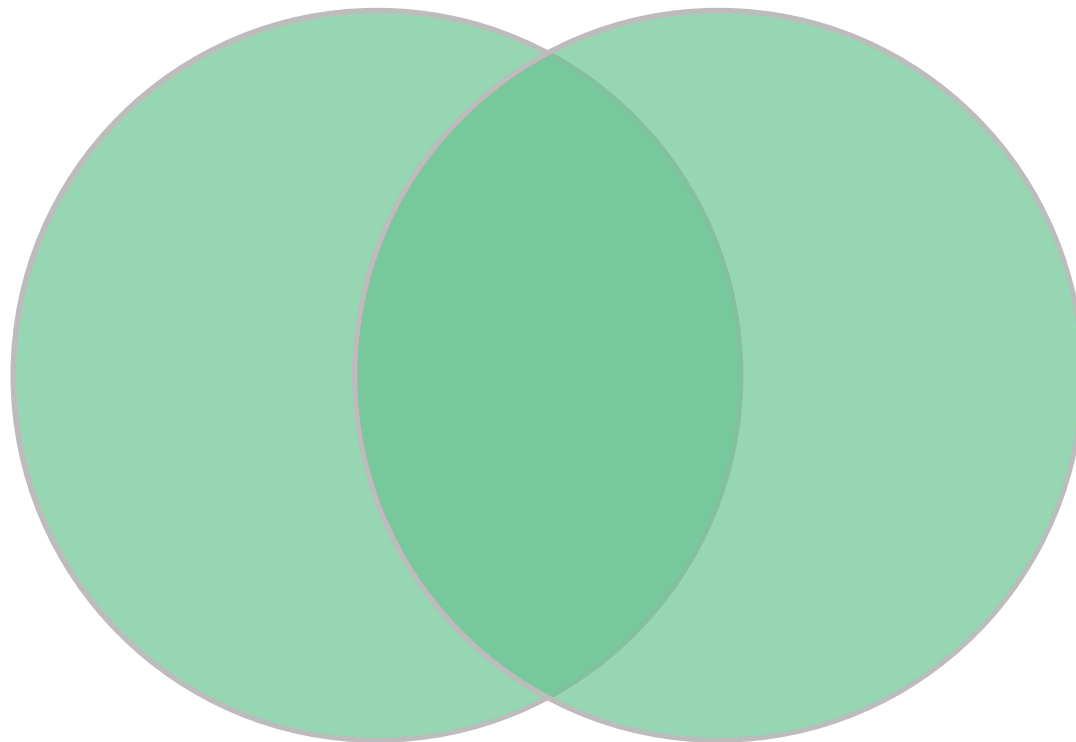


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Public  
health



Human  
rights



Accountability



Fulfills  
obligations  
towards...

**Duty Bearer**



**Human  
Rights**

**Right Holder**

Claims rights  
from....

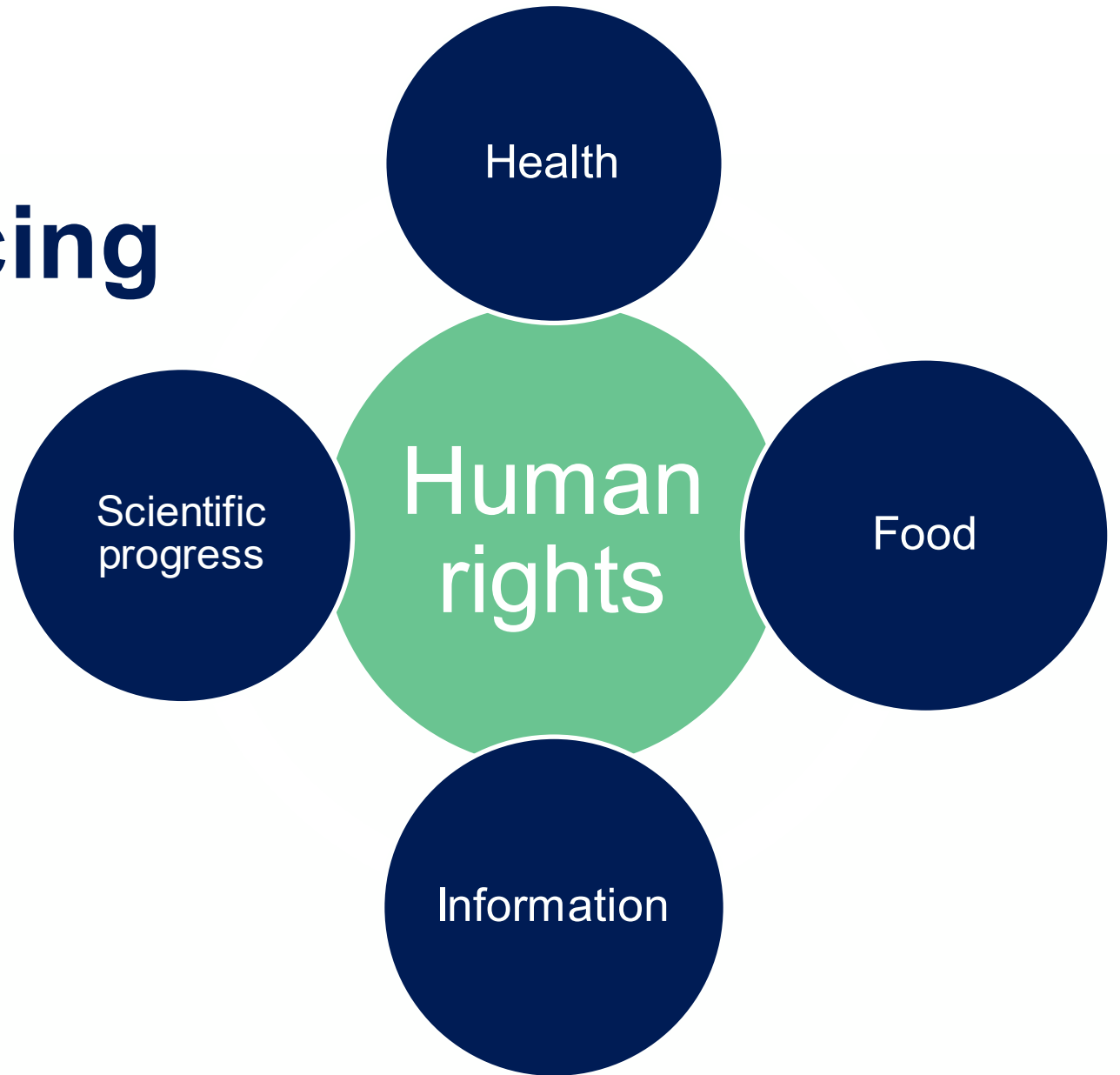


Participation



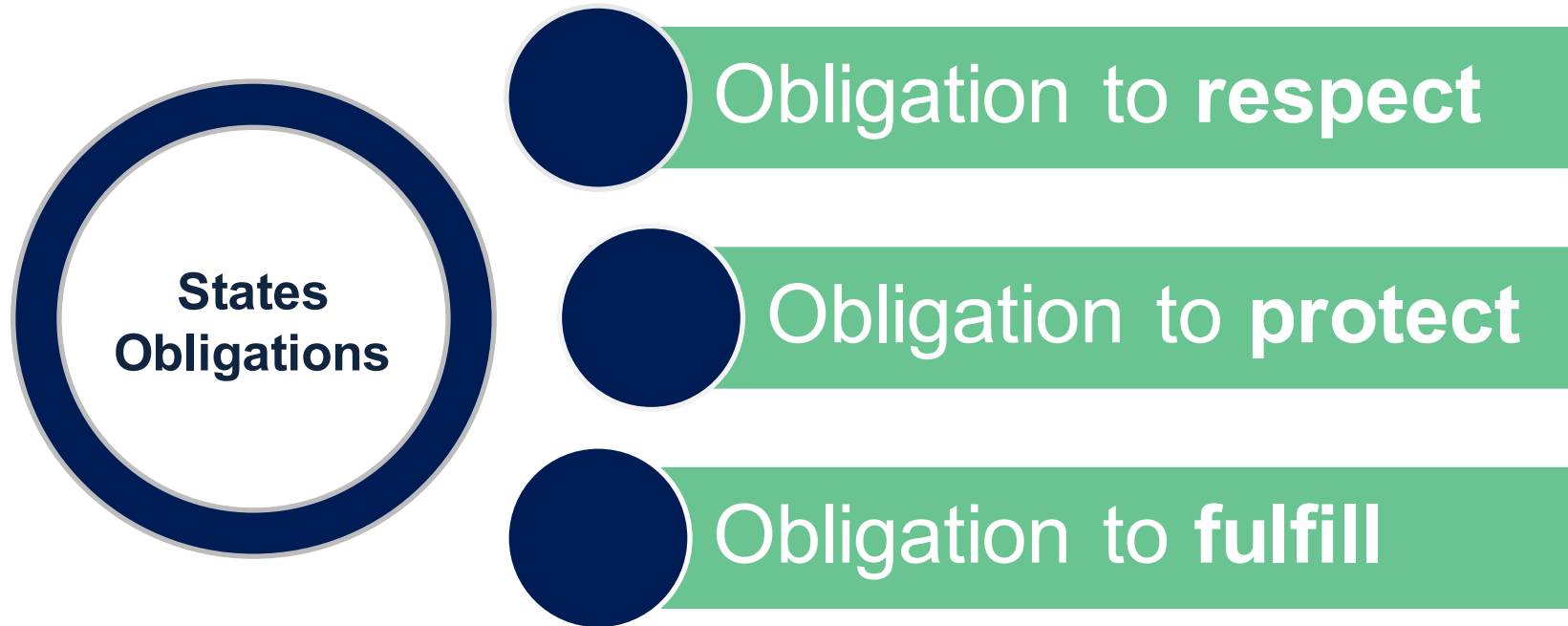
# Mutually reinforcing frameworks

- Interrelated
- Interdependent
- Indivisible





# Three levels of obligations





# Three types of obligations



**Immediate  
realization**



**Progressive  
realization**





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# Implications for the regulatory approach





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# Human rights bodies

NCD risk factors



Regulatory measure

**Food, nutrition and the  
Report of the Special  
of everyone**

**REDESCA de la CIDH publica informe temático "Las  
Enfermedades No Transmisibles y los Derechos Humanos en  
las Américas"**

31 de agosto de 2023

**Statement by the  
Rapporteur on the right to health  
the adoption of front-of-package  
warning labelling to tackle NCDs**

27 July 2020



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United Nations A/78/185

 **General Assembly** Distr.: General  
14 July 2023  
Original: English

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**Seventy-eighth session**  
Item 73 (b) of the provisional agenda\*  
**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**



**Food, nutrition and the right to health**

**Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng, submitted in accordance with Human Rights Council resolution 51/21.

\* A/78/150.

23-13871 (E) 070923  


Please recycle  

  Comisión Interamericana de Derechos Humanos

**Las Enfermedades No Transmisibles y Los Derechos Humanos en Las Américas**



 OEA Mis derechos para más gente

- Front-of-package warning labels
- Marketing restrictions
- Fiscal measures
- Procurement



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- Undue influence of the food and beverage industry, including conflicts of interest
- Participation

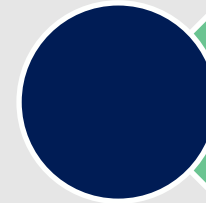




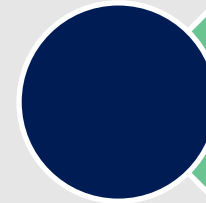
Purchase  
decision



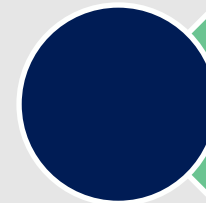
# Setting the goal



Provide information



Discourage  
consumption



Protect public health





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## Navigating FoPNL

This guides the legal debate about different schemes and variations within the same scheme.





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# Conclusion





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# Takeaways

- **Mutually reinforcing frameworks**
- **Framing:**  
from compatible to desirable;
- **Strengthening evidentiary standards:**  
linking the scientific and legal debates.



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# Questions?