

Katiba @ 15 – Why the Constitution of Kenya Supports Healthy Diets and Food Environment Policies



As Kenya marks 15 years since the promulgation of the 2010 Constitution, it is important to reflect on how this has shaped the health and well-being of its citizens. One of the outcomes of the Constitution has been in strengthening the foundation for policies that promote healthy diets and safeguard food environments, especially for children and vulnerable groups.

Article 43 affirms that every person has the right to the highest attainable standard of health. This includes access to safe and nutritious food that is of acceptable quality. Without access to quality food, the constitutional promise of good health cannot be fully realized.

Increasingly, unhealthy diets have become a major point of concern given that they are a leading risk factor for various noncommunicable diseases (NCDs) like heart disease, stroke, diabetes, and cancer, and cause significant financial burdens globally and in Kenya through healthcare costs and lost productivity. In order to address this, the Ministry of Health has recently published the Kenya Nutrient Profile Model which provides guidance aimed at addressing the consumption of

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unhealthy foods and beverages high in sugar, sodium, and fats. The Nutrient Profile Model is an important policy document that will guide implementation of Front of Pack Nutrition Labelling, restriction of marketing of unhealthy food products, and consumer education and awareness.

The Constitution also lays a strong foundation for the development of mandatory regulation supporting front of pack nutrition and warning labels that will guide consumers on healthy food choices and avoidance of foods high in the nutrients of concern mentioned above. Article 46 guarantees consumers the right to the protection of their health, safety, and economic interests. This provision establishes a duty for the government and relevant stakeholders to ensure that the food products in the market do not compromise the well-being of consumers. Importantly, it underscores the responsibility to safeguard children, who are among the most vulnerable consumers in our society.

Children receive special protection under Article 53, which states that every child has the right to basic nutrition, shelter, and health care. Additionally, it emphasizes that the best interests of the child must be of paramount importance in all matters affecting them. This provision lays a strong legal foundation for implementing evidence-based food and nutrition policies. It justifies regulations on unhealthy food environments and ensuring children are not exposed to harmful marketing practices or poor-quality diets.

The constitution has guided the adoption of policy measures in public health and food environmental protection. It reminds policymakers that health and nutrition are not privileges but rights that must be upheld for all. As we reflect on the journey of the Katiba at 15, one truth stands clear: the Constitution is not just a legal document but a living tool for social and economic justice through the promotion of healthy food environment policies.

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