

# THE FOOD AND NUTRITION BILL, 2009

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## **SCHEDULE**

**A Bill for an Act**

**ENTITLED**

**FOOD AND NUTRITION ACT, 2009**

**An Act to provide for the enjoyment of the right to food; to provide for the establishment, objects, functions and composition of the Food and Nutrition Council; to provide for the establishment of food and nutrition committees at district and subcounty levels and for their functions; to provide for the roles of the various public authorities in the implementation of the Act and for other related matters.**

**PART I – PRELIMINARY**

**1. Commencement**

This Act shall come into force on a date appointed by the Minister, by statutory instrument and different dates may be appointed for the commencement of different provisions.

**2. Interpretation**

(1) In this Act, unless the context otherwise requires-

“Chairperson” means the Chairperson of the Council;

“Council” means the Uganda Food and Nutrition Council established under section 9;

“currency point” has the meaning assigned to it in the Schedule;

“duty bearer” means a public authority and a person who has a duty to perform under this Act;

“food” includes liquid and semi liquid nourishment and drinking water and everything that originates from biological sources and water, whether processed or not, which is designated as an eatable or beverage for human consumption, including food additive material, food raw material and other materials used in the process of preparation, processing and or the making of an eatable or beverage;

“Food and Nutrition Committee” means a multi-sectoral committee designated as such by section 28;

“food security” means a situation where all people, at all times have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life;

“member” means a member of the Council appointed under section 13;

‘minimum amount of food’ means the amount of food required to meet the minimum nutritional needs of an individual, according to age, sex, occupation and health status, provided in-kind, in equivalent monetary value, vouchers or other prescribed form;

“Minister” means the Minister responsible for agriculture;

“Ministry” means the Ministry responsible for agriculture;

“nutrition” means the process of obtaining food and its utilization by the body for good health;

“nutrition security” means food security coupled with a sanitary environment, adequate health services and knowledgeable care to ensure a healthy life for an individual;

“person” includes a body corporate;

“public authority” means a Ministry, department, parastatal agency, local government or public officer in which or in whom any law vests functions of control or management of matters related to food or nutrition;

“right to food” means the right of every person to have regular, permanent and free access, at all times, either directly or by means of financial purchases, to quantitatively and qualitatively adequate, sufficient and safe food, corresponding to his or her cultural traditions and which ensures a physical and mental, individual or collective fulfilling and dignified life free of fear of hunger or under nutrition;

“Uganda Food and Nutrition Policy” means the Uganda Food and Nutrition Policy of 2003 and any amendments to it;

‘under nutrition’ means a state in which the physical function of a person is impaired to the point where the person can no longer maintain natural bodily capacities such as growth, pregnancy, lactation, learning abilities, physical work or resisting and recovering from disease; and

“vulnerable” includes infants, children, school going children, pregnant and nursing mothers, the elderly, refugees, internally displaced persons, people with disabilities, sick persons with chronic diseases such as HIV/AIDS, victims of conflict, rural people in precarious livelihood situations, marginalised populations in urban areas, groups at risk of social marginalisation and discrimination and any other group that may be identified from time to time.

(2) For purposes of this Act, a person shall be identified as vulnerable using a probability of an acute diminished access to food at level of consumption, due to environmental, social or economic risks and reduced capacity to cope with these.

### **3. Object of the Act**

The object of this Act is –

- (a) to recognise, promote, protect and fulfill the right to food as a fundamental human right;
- (b) to provide a legal basis for implementing the Uganda Food and Nutrition Policy;
- (c) to plan, budget and implement the Uganda Food and Nutrition Policy using a rights - based approach and to ensure the participation of rights holders and the accountability of duty bearers;
- (d) to ensure that food is treated as a national strategic resource;
- (e) to promote the policies on food and nutrition as part and parcel of the overall national development policy;
- (f) to ensure the integration of the needs of the vulnerable in food and nutrition strategies;
- (g) to promote public education and sensitization on food and nutrition especially in rural areas to enhance the impact on food and nutrition security; and
- (h) to promote the drawing up of strategies to respond to food and nutrition concerns at all levels of Government.

### **4. Principles to govern implementation of Act**

In fulfilling the object of this Act, the following principles shall govern the implementation of the Act –

- (a) equity and non discriminatory physical and economic access to food;
- (b) coordinated efforts of public authorities and their full participation in related food and nutrition security issues;
- (c) accountability of duty bearers and transparency in the food sector particularly emergency food aid, through open access by the public to timely and reliable information on decisions and actions taken;
- (d) people participation in the planning, design, implementation and monitoring and valuation of decisions that affect them; and
- (e) the use of scientific research and evidence based decision making.

## **PART II – THE RIGHT TO FOOD**

### **5. Right to food**

- (1) Every person has a right to food and to be free from hunger and under nutrition.
- (2) The right to food shall be enjoyed without discrimination, exclusion or restriction on the basis of sex, race, colour ethnic origin, tribe, birth, creed or religion, social or economic standing, political or other opinion, property, disability or other status.
- (3) For the enjoyment of the right to food, the State shall ensure –
  - (a) respect for the right to food by the duty bearers and refrain from actions that undermine access to food;
  - (b) the availability, accessibility and affordability of food by all people in Uganda by making provision of sufficient access to production resources, income and support and maintaining an enabling environment in which household can attain food security through their own efforts; and
  - (c) the provision and maintenance of sustainable food systems and protect the right to food from encroachment by any public authority or any person.
- (4) Where a person identified as vulnerable under this Act and suffers or is at risk of suffering from hunger or under nutrition, the State shall provide that person with a minimum amount of food.

### **6. Limitation of enjoyment of right to food**

Notwithstanding section 5, interference with the right to food or limitation of the exercise of the right to food may be allowed where –

- (a) the interference or limitation is provided by law;
- (b) it is necessary for public interest or for promoting the general welfare of the country.

### **7. Infringement of right to food**

- (1) Every person shall respect, protect and fulfill the right to food by acting in a way that creates and maintains conditions under which another person may freely and regularly enjoy the right to food.
- (2) It is unlawful for a person to act in a way which is incompatible with or which hinders another person's enjoyment of the right to food.
- (3) No person shall undertake an economic, social, cultural or other activity or practice which -
  - (a) potentially affect the enjoyment of the right to food;
  - (b) is detrimental to another person's nutrition status.
- (4) A person who contravenes this section, commits an offence and is liable on conviction -
  - (a) if an individual, to a fine not exceeding twelve currency points or to imprisonment for a term not exceeding six months, or both;
  - (b) if a body corporate, to a fine not exceeding one thousand currency points.
- (5) Where a person is convicted under this section, court may in addition to the penalty prescribed, make an order for restitution, cessation of unlawful acts, guarantees of non-repetition, rehabilitation or compensation.

## **8. Responsibilities of head of household**

- (1) A head of a household shall -
  - (a) provide food for the members of the household;
  - (b) provide feeding for school going children;
  - (c) ensure that the household has a food reserve;
  - (d) engage in gainful work for the good of the family;
  - (e) participate in programmes for cultivation of wood lots for cooking;
  - (f) participate in the maintenance of water sources of the community including springs and wells; and
  - (g) participate in the formulation and implementation of development plans and programmes which affect his or her community.
- (2) A head of a household who contravenes this section, without justifiable cause, commits an offence and is liable on conviction to a fine not exceeding twelve currency points or to imprisonment for a term not exceeding six months, or both.

## **PART III -ESTABLISHMENT, OBJECTS AND FUNCTIONS OF THE FOOD AND NUTRITION COUNCIL**

### **9. Establishment of the Uganda Food and Nutrition Council**

- (1) There is established a Council to be known as the Uganda Food and Nutrition Council.
- (2) The Council shall be body corporate with perpetual succession and a common seal, and shall be capable of suing and being sued in its corporate name.
- (3) The Council may, for and in connection with its objects and functions under this Act, enter into any contract and other transaction as may be expedient and do any other act or thing that in law may be done by a body corporate, subject to this Act.
- (4) The Council shall be under the general supervision of the Minister.

### **10. Object of the Council**

The main object of the Council is to ensure that Uganda meets its national and international obligations on the right to food and to ensure food security and adequate nutrition for all the people in Uganda for their health and social and economic wellbeing by -

- (a) promoting good nutrition of all the people in Uganda;
- (b) ensuring that food and nutrition security issues are incorporated in national and sectoral development plans as well as local government development plans and ensuring that they are gendered;
- (c) ensuring that nutrition security issues are incorporated in formal and informal education and training in order to improve the knowledge and attitudes of communities on food and nutrition-related matters;

- (d) ensuring food and nutrition security at household, parish, subcountry, district, and national levels for improving the socio-economic status of the people in Uganda;
- (e) ensuring the establishment of food reserves in Uganda;
- (f) ensuring that the Government and non-governmental sectors responsible for food production, importation, distribution and trade and food crisis management adequately fulfil their roles that contribute to food security;
- (g) collaborating with the relevant public authorities to ensure that economic and social programmes and activities do not negatively affect the human right to food;
- (h) ensuring the development and maintenance of national food composition tables; and
- (i) ensuring a healthy environment and good sanitation in the entire food chain system.

## **11. Functions of the Council**

- (1) For the attainment of the objects of this Act and its objects, the Council shall -
  - (a) in consultation with public authorities, ensure the harmonisation and integration of food and nutrition security concerns at all levels of government;
  - (b) coordinate, monitor and evaluate the implementation of the Uganda Food and Nutrition Policy and any strategies and plans made under the Policy;
  - (c) advise Government on policies, legislation, strategies, national plans, programmes and projects to promote food and nutrition security in Uganda and contribute to the preparation of policies and programmes that ensure access to natural resources and their utilisation;
  - (d) advise on the amendment of laws, standards and guidelines on food and nutrition security;
  - (e) promote research and dissemination of information on food and nutrition security;
  - (f) in collaboration with the food and nutrition committees, assess and identify the vulnerable who suffer or threaten to suffer hunger or under nutrition and in accordance with section 5, provide them with minimum food;
  - (g) carry out advocacy in relation to emergency food aid and liaise with the relevant public authority to ensure transparent processes in direct food transfers and the distribution of emergency food aid, by Government or donor agencies, to the vulnerable;
  - (h) prepare and disseminate a report on the status of food and nutrition security in Uganda, once every two years;
  - (i) disseminate periodic reports on its activities to the public and the local governments;

- (j) regulate private activities that affect the enjoyment of the right to food by; reviewing the relevant administrative and legislative framework, regulating private activities to ensure that they sufficiently take into account the right to food of persons potentially concerned by these activities;
- (k) represent Uganda at international and regional meetings on food and nutrition security; and
- (l) carry out any other function as the Minister may assign or as is incidental or conducive to the exercise by the Council of its objects and functions under this Act.

(2) In carrying out its functions under this section, the Council shall whenever necessary consult and liaise with relevant local and national public authorities and international authorities, agencies and organisations.

(3) The Council may delegate any of its functions under this Act, to any member of the Council, a committee of the Council, an official of the Ministry or to any body or person.

**12. Council to undertake information, education and communication**

(1) In addition to the functions in section 11, the Council shall promote public awareness on food and nutrition security, food diversity and healthy eating habits through a comprehensive nationwide education and information campaign, conducted in collaboration with the relevant public authorities.

(2) The education and information campaign referred to in subsection (1) shall focus on the family as the basic social unit and shall be carried out in all schools and other institutions of learning, at all places of work and in all communities.

(3) The Council shall also, in collaboration with the relevant public authorities, provide training and sensitisation and awareness programmes for community workers, teachers, medical staff, media professionals, administrators for proper information, dissemination and education on food and nutrition security.

(4) In conducting the education and information campaign referred to in this section, the Council shall ensure the involvement of people at all levels and of the vulnerable in particular.

**PART IV - COMPOSITION, MEETINGS AND COMMITTEES OF THE COUNCIL**

**13. Composition of the Council**

(1) The Council shall consist of a Chairperson and sixteen members as follows -

- (a) a Chairperson, who shall be a person of distinguished personality with qualifications and experience in food and nutrition matters;
- (b) a public officer not below the rank of Commissioner appointed by the respective Permanent Secretary from each of the following-
  - (i) the Office of the Prime Minister;
  - (ii) the Ministry responsible for agriculture;
  - (iii) the Ministry responsible for health;

- (vi) the Ministry responsible for gender;
  - (v) the Ministry responsible for planning;
  - (vi) the Ministry responsible for education;
  - (vii) the Ministry responsible for trade and industry;
  - (viii) the Ministry responsible for local governments.
- (c) the Director of the Plan for Modernisation of Agriculture Secretariat;
  - (d) a representative of universities and other tertiary institutions;
  - (e) a representative of the Uganda Human Rights Commission;
  - (f) the Director of the Uganda National Bureau of Standards or his or her representative;
  - (g) a representative of the civil society organisations dealing with food and nutrition security;
  - (h) a representative of the farmers' associations; and
  - (i) a representative of the food processing industry.

(2) The Chairperson and a member referred to in paragraphs (g), (h) and (i) shall be appointed by the Minister, in consultation with such organisations and authorities as may appear to the Minister to be appropriate, from among persons who are qualified for appointment by virtue of their professional qualifications and experience in food and nutrition matters.

(3) The Minister shall in appointing a member in paragraph (g), gauge the organisational capacity of the civil society of that member and ensure effective representation of the civil society organizations dealing in food and nutrition security.

(4) In making the appointments under this section, the Minister shall take into consideration gender equity.

#### **14. Tenure of office**

(1) A member of the Council who is a member by virtue of an office held by that member shall, upon ceasing to hold that office, cease to be a member of the Council.

(2) The Chairperson and a member appointed under section 13 (2) shall hold office for three years and is eligible for re-appointment for one more term.

(3) The Chairperson and a member of the Council shall vacate office-

- (a) by tendering his or her resignation in writing to the Minister;
- (b) on written recommendation of the body which he or she represents, revoking the nomination of the member; or
- (c) by removal from office by the Minister on resolution of the Council supported by not less than two thirds of the members of the Council present and voting.

### **15. Meetings of the Council**

- (1) The Council shall meet at least once every three months at a place and time determined by the Chairperson.
- (2) The Chairperson may summon a special meeting of the Council upon request made in writing by not less than five members of the Council.
- (3) The Minister may request for a special meeting of the Council.
- (4) The Chairperson shall preside at all meetings of the Council at which he or she is present and in the absence of the Chairperson, the members present shall elect a person from amongst themselves to preside.
- (5) Nine members of the Council shall form a quorum at any meeting of the Council.
- (6) A decision of the Council shall be taken by a majority of the members present and voting and in case of an equality of votes, the person presiding shall, in addition to his or her vote as a member, have a casting vote.
- (7) The Council may coopt any person who is not a member to attend any of its meetings as an adviser and that person may speak at the meeting on any matter in relation to which his or her advice is sought but shall not have the right to vote on any matter coming for decision before the meeting.
- (8) A member of the public may make a request in writing to the Council for permission to attend a meeting of the Council.
- (9) The Council may regulate its own procedure during meetings, subject to the provisions of this Act.

### **16. Committees of the Council**

- (1) The Council may appoint committees to assist in the carrying out of its functions under this Act and may delegate to a committee such functions as it may consider fit, subject to conditions that it may determine.
- (2) A committee appointed under this section may comprise members of the Council.
- (3) A committee may coopt a resource person to its meeting; except that the co-opted person shall have no right to vote on any matter coming for decision at a meeting of the committee.
- (4) A committee may regulate its own procedure during meetings, subject to the provisions of this Act.

## **PART V - THE SECRETARIAT**

### **17. Secretariat of the Council**

- (1) The Ministry shall designate an appropriate department within the Office to serve as the Secretariat of the Council.

(2) The Secretariat shall be headed by the head of the department where it is based.

(3) The head of the department where the Secretariat of the Council is based shall be the Secretary of the Council.

### **18. Functions of the Secretariat**

The Secretariat shall-

- (a) oversee and coordinate the implementation of the policies and decisions of the Council;
- (b) recommend proposals and offer advice for the formulation of programmes for the Council;
- (c) on behalf of the Council, establish and maintain relationships with international, national and local institutions;
- (d) coordinate and monitor implementation of programmes and plans by local governments;
- (e) make arrangements for periodical evaluation of the Policy and programmes in relation to the objects and functions of the Council; and
- (f) do such other things as may be necessary or expedient for the carrying out of the functions of the Council.

## **PART VI - FINANCE**

### **19. Funds of the Council**

(1) The funds of the Council shall consist of-

- (a) monies appropriated by Parliament;
- (b) loans from any source, approved by the Minister;
- (c) any charges and fees paid to the Council in the performance of its duties; and
- (d) donations and endowments from any source.

(2) In the performance of its functions under this Act, the Council may with the approval of the Minister, solicit and accept funds.

(3) All monies required to defray all expenses that may be incurred in the discharge of the functions of the Council or in the carrying out of the purposes of this Act, including the payment of allowances for the members shall be subject to the approval of the Minister on the basis of estimates

of income and expenditure prepared by the Secretariat and submitted to the Minister after approval by the Council.

(4) The funds of the Council shall be administered and controlled by the head of the Secretariat.

## **20. Power to open and operate bank accounts**

(1) The Council shall open and maintain such bank accounts as are necessary for the performance of its functions.

(2) The accounts of the Council shall be controlled by the accounting officer of the department where the Secretariat is based.

(3) Notwithstanding section 19 (4), the head of the Secretariat shall ensure that money is not withdrawn from or paid out of any of the bank accounts of the Council without the authority of the Council.

## **21. Estimates**

The head of the Secretariat shall, within three months before the end of each financial year, cause to be prepared and submitted to the Council for its approval, estimates of income and expenditure of the Council.

The Council shall within two months after receipt of the estimates referred to in subsection (1), cause to be submitted to the Minister for his or her approval, the estimates of income and expenditure as approved by the Council.

## **22. Financial year**

The financial year of the Council shall be the same as the financial year of the Government.

## **23. Accounts**

(1) The head of the Secretariat shall cause to be kept, proper books of accounts of the incomes and expenditure of the Council, in accordance with accepted accounting principles.

(2) The Council shall cause to be prepared and submitted to the Minister in respect of each financial year, and not later than three months after the end of the financial year, a statement of accounts which shall include –

- (a) a balance sheet, an income and expenditure account and a source and application of funds statement;
- (b) any other information in respect of the financial affairs of the Council, as the Minister may, in writing require.

## **24. Audit**

(1) The Auditor General or an auditor appointed by the Auditor General, shall in each financial year audit the accounts of the Council.

(2) The Council shall ensure that within four months after the end of each financial year, a statement of accounts described in section 23 is submitted to the Auditor General or an auditor appointed by the Auditor General, for auditing.

(3) The Auditor General or an auditor appointed by the Auditor General shall have access to all books of accounts, vouchers and other records of the Council and is entitled to information and explanations required in relation to those records.

**25. Annual and other reports**

(1) The Council shall within three months after the end of each financial year, submit to the Minister a report on the activities of the Council in respect of the financial year, containing such information as the Minister may require.

(2) The Council shall also submit to the Minister such other reports on its activities or any other matter as the Minister may require.

(3) The Minister shall as soon as possible after receiving the annual report of the Council cause it to be laid before Parliament.

**26. Annual work plan**

(1) The Secretariat shall prepare and submit to the Council, and at least three months before the start of each financial year, an annual work plan in such form and containing such details as may be prescribed by the Council.

(2) The Council shall based on the annual work plan, submit to the Minister a performance statement containing strategies the Council is to use to assess the performance of its functions in order to achieve its objects and the objects of this Act.

**27. Compliance with the Public Finance and Accountability Act, 2003**

The Council shall at all times comply with the Public Finance and Accountability Act, 2003.

**PART VII - FOOD AND NUTRITION COMMITTEES**

**28. Food and Nutrition Committees**

(1) Every district and sub county shall have a food and nutrition committee to address food and nutrition security issues, in respect of the district or sub county, as provided in this Act.

(2) The Ministry responsible for local governments shall advise on the establishment and composition of the food and nutrition committees.

(3) A food and nutrition committee may coopt any person including a member of the civil society or the private sector to the committee.

(4) Each food and nutrition committee shall appoint a focal person who shall be responsible for making report on the activities of the committee, to the district or subcounty council and to the Council.

**29. Functions of Food and Nutrition Committees**

A Food and Nutrition Committee shall-

- (a) implement and coordinate the policies, programmes, plans and decisions of the Council and of the Secretariat;
- (b) through the focal person appointed under section 26, make reports to the Council and to the district and subcounty, on the activities of the committee;
- (c) ensure that food and nutrition security issues are incorporated in the programmes of the district or subcounty and monitor the performance of the local government in the implementation of the policies, programmes and plans on food and nutrition security issues;
- (d) monitor the food and nutrition status in the district or subcounty and advise the district and sub county and administrative units on food and nutrition security issues;
- (e) collect, analyse and disseminate data on the status of food and nutrition at the respective local government and administrative unit levels;
- (f) spearhead the formation and operationalisation of food and nutrition committees at community levels and in schools and health centres;
- (g) coordinate activities of Government institutions, the private sector, non governmental organisation and community based organisations involved in food and nutrition programmes in the district or subcounty; and
- (h) mobilise and sensitise the community for food and nutrition programmes and in collaboration with the Council and civil society in the area, conduct education and information campaigns on food and nutrition security issues.

## **PART VIII – ROLE OF PUBLIC AUTHORITIES**

### **30. Respect for, protection and fulfilment of the right to food by public authorities**

(1) In the performance of their functions, public authorities shall ensure respect, protection and fulfillment of the right to food.

(2) It is unlawful for a public authority to act in a way which is incompatible with or which hinders a person's enjoyment of the right to food.

(3) Public authorities, in consultation with the Council, shall adopt and monitor measures to promote the provision of sufficient access to productive resources, income and support, as well as for the maintenance of sustainable food systems.

(4) Public authorities, in consultation with the Council, shall formulate programmes to specifically protect and promote the right to food of vulnerable persons and individuals.

### **31. Monitoring implementation of the Act**

(1) The Office of the Prime Minister shall -

- (a) receive and analyse monitoring information outputs and reports submitted by the Council and based on these, monitor the implementation of this Act to –
    - (i) track whether performance results and structures and processes are consistent with the principles specified in section 4;
    - (ii) identify the factors and challenges that affect the realisation of the right to food;
    - (iii) formulate recommendations for future action by the Council and the Secretariat;
    - (iv) set action priorities as a basis for resource allocation and accountability and coordinate the allocation of resources according to the agreed priorities;
    - (v) determine appropriate benchmarks for measuring progress in the implementation of the law;
  - (b) analyse and evaluate Government policies, programmes and projects designed and adopted to implement legal obligations under the right to food and where necessary make recommendations for change;
  - (c) ensure information sharing and dissemination amongst all stakeholders;
  - (d) engage the health, education and water sectors in fulfilling their roles in assuring that immediate health determinants of good nutritional status are attained; and
  - (e) monitor the status of the right to food in education institutions and Government institutions including prisons.
- (2) The public authorities and other sectors of Government which are indirectly concerned with the realisation of the right to food shall make available information required for monitoring under this section.

### **32. School meals**

The Ministry responsible for education shall ensure the provision of school meals as required under the Education Act, 2008.

### **33. Food and nutrition education and dissemination to form part of health care**

(1) Education and information dissemination on food and nutrition security issues shall form part of the health care services by the health care providers.

(2) For the purposes of subsection (1), the Ministry responsible for health shall provide training for the healthcare providers to acquire skills for proper information dissemination and education on food and nutrition.

### **34. Special protection for mothers and children.**

(1) The Ministry responsible for health shall –

- (a) establish measures to ensure that the special nutrition needs of pregnant and nursing women are met and that assist mothers to provide adequate care for their infants;
- (b) promote and protect the right of infants to breastmilk and to appropriate weaning foods after six months of age, and adopt appropriate measures to ensure the enjoyment of the right to food for children of five years or less; and
- (c) adopt measures to provide for food and nutrition needs of orphaned and vulnerable children.

**35. National food reserve**

- (1) In accordance with the Constitution, there shall be a national food reserve to be administered in a manner proposed by the Food and Nutrition Council and approved by the Minister.
- (2) The purpose of the national food reserve shall be to –
  - (a) ensure a reliable supply of food for the country;
  - (b) meet local shortfalls in the supply of food;
  - (c) meet any other food emergencies caused by drought or flood, or by any other natural disaster, as may be determined; and
  - (d) correct problems relating to the supply of food in the country.

**36. Food emergencies, food aid and vulnerability mapping systems**

- (1) The Council shall in consultation with the Ministries responsible for finance, disaster preparedness and gender, establish Food Insecurity Vulnerability and Information Mapping Systems (FIVIMS) to provide the information needed to galvanise and strengthen the capacity to respond to food emergencies and food aid.
- (2) The requirements under subsection (1) shall be fulfilled by –
  - (a) supporting the development of disaster management plans and implementing organs;
  - (b) establishing a rights based early warning system;
  - (c) coordinating and ameliorating the information source network;
  - (d) establishing risk management and vulnerability mapping systems;
  - (e) establishing and coordinating sector specific roles and mandates related to vulnerability and emergency response; and
  - (f) undertaking a right to food baseline and impact assessment at all levels of governance to guide vulnerability and emergency response.
- (3) In furtherance of subsection (2), the Ministry responsible for gender shall in consultation with the relevant public authorities, provide information on vulnerability response mechanisms, including budget estimates to support the vulnerable.
- (4) The Ministry responsible for disaster preparedness shall establish a national emergency coordinator to –
  - (a) supervise and coordinate without discrimination, the distribution of food aid provided by Government or through international assistance;
  - (b) ensure that the food aid provided under paragraph (a) is procured free from ecologically and culturally sustainable food systems.

**37. Right to food impact assessment**

- (1) Prior to a major decision being made, the relevant public authority or concerned person shall carry out an impact assessment to identify, predict, evaluate and mitigate economic, social

and other effects as well as the domestic policies, programmes and projects that may affect the realisation of the right to food.

- (2) The Council shall cause to be undertaken an annual right to food impact assessment to identify the impact of domestic policies, programmes and projects on the realisation of the right to food.

**38. Provision of minimum amount of food.**

In accordance with section 5, the Council shall ensure that a person suffering from hunger or undernutrition or who is at risk from suffering from hunger or undernutrition is provided with a minimum amount of food.

**39. National food composition tables**

- (1) The Ministry responsible for agriculture and the Ministry responsible for health, in consultation with other relevant public authorities, shall develop and maintain national food composition tables.
- (2) In this section, “national food composition tables” means information detailing the amount of nutrient contained in each 100 grammes of an edible portion of existing food varieties and includes the composition of ingredients of prepared and processed food and of established recipes.

**40. Appeals and administrative review**

- (1) A person whose right to food is violated may refer the matter to the Uganda Human Rights Commission for redress.
- (2) A person who is aggrieved by the action or decision of a public authority, done or taken in relation to this Act, may appeal to the Council for a review of the action or decision.
- (3) A person who is aggrieved by the action or decision of the Council may appeal to the Minister for a review of the action or decision.

**PART IX - MISCELLANEOUS**

**41. Seal of the Council**

The Council shall have a seal which shall be in such a form as the Council may determine and shall, subject to this Act, be applied in such circumstances as the Council may determine.

**42. Employment of experts and consultants**

The Council may, in consultation with the Secretariat and in accordance with the Public Procurement and Disposal of Public Assets Act, 2003, engage for the Council, the services of a consultant or expert to perform any of the functions of the Council in connection with which the consultant or expert is considered to have special competence.

**43. Protection from personal liability**

A member of the Council, member of a committee of the Council or any person acting on behalf of the Council shall not be personally liable for civil action for any act done or omitted to be done by

him or her in good faith without negligence for the purpose of carrying into effect the provisions of this Act.

#### **44. Amendment of Schedule**

The Minister may by statutory instrument amend the Schedule.

#### **45. Regulations**

(1) The Minister may on the recommendation of the Council and after consultation with the responsible public authority, by statutory instrument make regulations generally for the better carrying out of the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), the Minister may make regulations-

- (a) for the management of food aid and food emergencies;
- (b) for adequate monitoring mechanisms to ensure transparency and accountability under this Act;
- (c) for the procedures and mechanisms for consulting the public and civil society on food and nutrition security issues, including oral public hearings and meetings at all levels of government;
- (d) for charges and fees to be paid to the Council in the performance of its duties; and
- (e) to provide for the required minimum amount of food including the quantity of food or its monetary value, needed to prevent and address hunger and for a person to be free from hunger.

(3) Regulations made under this section may prescribe for the contravention of the regulation a penalty not exceeding forty eight currency points or imprisonment not exceeding two year or both.

## **SCHEDULE**

### **Section 2**

A currency point is equivalent to twenty thousand shillings.

### **CROSS REFERENCE**

Education Act, Act No. of 2008