

**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

**A RESOLUTION OF THE ASSEMBLY RECOMMENDING TO THE COUNCIL
TO BAN THE MANUFACTURING AND IMPORTATION OF SOAPS AND
COSMETICS CONTAINING HYDROQUINONE IN THE COMMUNITY**

*(Moved under Articles 49(2) (d) and 59(1) of the Treaty and Rules 26 and 34 of
the Rules of Procedure of the Assembly)*

**By Hon. Gideon Gatpan Thoar and adopted by the Assembly on 14th May,
2019**

WHEREAS the Community, in Article 81(2) of the Treaty, recognises the significance of protecting consumers as a critical aspect of the cooperation of the EAC Partner States in standardisation, quality assurance, metrology and testing;

WHEREAS one of the objectives of the EAC Standardization, Quality Assurance, Metrology and Testing Act 2006 is to protect and improve the health and safety of consumers and the general public;

AND WHEREAS this objective has not been fully realised especially in relation to protecting East Africans from the harmful effects of Hydroquinone and other skin bleaching or lightening cosmetics which are widely imported, manufactured and distributed within the Community;

NOTING that whereas the Council was given power by this Assembly under section 19 of the EAC Standardization, Quality Assurance, Metrology and Testing Act 2006 to declare compulsory East African Community standards to

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protect human health and safety; and under sections 18 and 19 of the EAC Customs Management Act, 2004 to prohibit importation of specified products into the Community, the Council has not used the two provisions to ban the importation and manufacture of soaps and cosmetics containing Hydroquinone;

AWARE that Hydroquinone is a common active ingredient that is found in several skincare products that are designed specifically to lighten the skin;

CONCERNED that Hydroquinone decreases the formation of melanin in the skin, which is the pigment in skin that gives it a dark colour, thereby weakening the skin and making the human body vulnerable to adverse effects targeting the bloodstream, kidneys and the liver;

RECOGNISING that in the absence of concerted action by the Community, individual Partner States like Kenya and Rwanda have joined South Africa, Ghana and Ivory Coast by banning the importation, manufacture and sale of products containing skin-lightening agents in their countries;

AWARE that the effects of cosmetics containing Hydroquinone are visible and widespread throughout the Community and are not restricted to any individual Partner State;

MINDFUL of the commitment of Partner States under Article 36 (1) (a) of the Protocol on the Establishment of the East African Community Common Market to protect the life, health and safety of consumers;

RECALLING that in order to protect East Africans, the Community has, through section 18 and the Second Schedule to the East African Community Customs Management Act, 2004, already prohibited the importation of all soaps and cosmetics containing mercury because of health and safety concerns;

RECOGNIZING that under Article 49(2)(d) of the Treaty, one of the functions of the Assembly is to discuss all matters pertaining to the Community and make recommendations to the Council;

AWARE that under Article 59(1) of the Treaty and Rule 26(1) of the Rules of Procedure of the Assembly, any member may propose any motion or introduce any Bill in the Assembly;

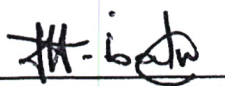


NOW THEREFORE BE IT RESOLVED BY THE ASSEMBLY AS FOLLOWS: -

THAT in accordance with Article 49(2)(d) and 59(1) of the Treaty and Rules 26 (1) and 34 of the Rules of Procedure of the Assembly, the Assembly:

- (a) Recommends to the Council to **urgently** ban the manufacturing and importation of soaps and cosmetics containing Hydroquinone within the Community;
- (b) Urges the Council to **urgently**:
 - (i) declare a compulsory EAC standard under Section 19 of the EAC Standardization, Quality Assurance, Metrology and Testing Act 2006, prohibiting the manufacture, distribution and sale of all soaps and cosmetics containing Hydroquinone;
 - (ii) issue and publish in the Community Gazette an Order under Section 19 of the EAC Customs Management Act, 2004 prohibiting the importation of all soaps and cosmetics containing Hydroquinone;
 - (iii) ban the artificial and hazardous substances used in cosmetic and skincare products for altering skin colour and which can be injurious to human health;
 - (iv) ban any substances which are used to cause body alteration in terms of size and shape such as injections, tropical lotions or tablets.
 - (v) regularly review the chemical ingredients in beauty products as one of the compulsory standards in the region.

CERTIFIED BY:



ALEX LUMUMBA OBATRE
DEPUTY CLERK OF THE ASSEMBLY

DATE: 14 - MAY - 2019