

Human Rights, children and business; a joint submission by IBFAN and FIAN, May 2012

Committee on the Rights of the Child is elaborating a General Comment on Child Rights and Business. The [International Baby Food Action Network \(IBFAN\)](#) and [FoodFirst Information and Action network \(FIAN International\)](#) prepared and submitted comments with the aim of contributing to the elaboration of this General Comment. IBFAN and FIAN commend the initiative of the CRC Committee to develop this General Comment that aims at providing “*States Parties with a framework for implementation of the Convention as a whole with regard to the business sector*”. It is a timely initiative needed today more than ever because of the current trend of public-private partnerships (PPPs) and multi-stakeholder initiatives (MSIs), which leads to blurring of the lines between public and private sectors and their respective roles, in particular in policy-making.

Breastfeeding makes a major contribution to child survival and realization of the child’s right to health, adequate food and nutrition. Almost 20% of all under 5 deaths could be prevented if children’s mothers could follow the WHO feeding recommendations: “*exclusive breastfeeding for the first six months of life, and with nutritionally adequate and safe complementary feeding through introduction of safe and adequate amounts of indigenous foodstuffs and local foods while breastfeeding continues up to the age of two years and beyond.*”

Commercial marketing practices that interfere with breastfeeding are a key cause for low and stagnating breastfeeding rates globally. It is IBFAN’s position that any corporate conduct that is in violation of the International Code is a human rights violation, particularly of the right to health, adequate food and nutrition. IBFAN members continuously monitor marketing practices of the baby food industry and report any such violations.

IBFAN and FIAN made the following recommendations.

The General Comment should:

- Clearly establish the obligation of states to effectively implement and enforce the International Code of Marketing of Breastmilk Substitutes and relevant subsequent WHA resolutions.
- Reflect the recommendation of the WHA and thus emphasize the obligation of the States to end inappropriate promotion of food for infants and young children and to ensure that nutrition and health claims^[1] shall not be permitted for foods for infants and young children.

- Clearly establish the obligation of states to regulate marketing of foods and non-alcoholic beverages to children, through an international framework as well as through domestic legally binding measures; to regulate marketing, distribution and use of commercial ready-to-use foods; to give higher priority to and support research into opportunities for local production of alternative forms of commercial fortified foods (if they are needed), and to decrease local dependency on external international markets and aid.
- Establish that legally binding measures are the most effective means for the implementation of State Parties obligation to ensure that the child right to health, adequate food and nutrition are protected from marketing practices of the food and beverage industry. In particular, the general comment should argue for transposition into domestic legislation of the International Code of Marketing of Breast-milk Substitutes and subsequent relevant WHA resolutions.
- Include as a key component the clarification of the appropriate relationship between government bodies and the private sector, as these two sets of actors are ever more intertwined. This relationship shall always be defined and regulated in line with human rights obligations and principles.
- Establish the responsibility of States to adopt effective measures to address conflicts of interest in order to ensure the *integrity of their decision making processes* at national as well as at the international level, and as members of various international institutions and organizations.
- Build upon the Extraterritorial Obligations Principles when defining government obligations to protect, respect and fulfill children's rights.
- Establish the obligation of States to ensure compliance of baby food companies, domiciled or registered in their territory, with the International Code of Marketing of Breast-milk Substitutes and subsequent relevant WHA resolutions, anywhere where they operate.
- Establish the responsibility of States, in their international capacity and as expression of international solidarity, to ensure:
 - * Development of a comprehensive ethical and policy framework at the UN level to adequately deal with conflicts of interest, in order to prevent their harmful impact on public policy-making and programmes.
 - * Promotion, development and adoption of policies which facilitate creation of an enabling environment conducive to the universal realization of the rights of the child.

[1] Nutrition, health and related claims are voluntary statements made by manufacturers on labels and in advertising about the nutrient content of a food, or a relationship between a food and health. Claims are different from required *nutrition information*. They are used primarily as promotional

marketing tools and thus violate the International Code of Marketing of Breastmilk Substitutes and subsequent WHA resolutions. If new ingredients are found to be essential, they should be in all formula and all infant foods and not give the impression that the products with additives are like breastmilk. <http://www.ibfan.org/art/333-1.pdf>

[Full document](#)

More Information

Read also ***FIAN's submission on behalf of the International Consortium on Extraterritorial Human Rights Obligations*** and the ***submission by the Gender, Nutrition and Right to Adequate Food Working Group of the Department of Gender and Nutrition, of the University of Hohenheim***