**Replies of IBFAN-GIFA to the Call for Inputs Healthy and Sustainable Food: Reducing the Environmental Impacts of the Global Food System on Human Rights**

**This submission will focus on child rights in the context of infant and young child feeding, from birth until 36 months, as enshrined in The Convention on the Rights of the Child (CRC).**

**Our Answers**

Infants and young children are the world’s most vulnerable populations and suffer both short-term and long-term impacts of the climate emergency and exposures to environmental pollutants. The implementation of the human right to a safe and healthy environment is therefore addressed in the United Nations Convention on the Rights of the Child (CRC), adopted in 1989 by 196 States Parties, and ratified except for one country. In article 24.1 of the CRC, States Parties recognize the right of every child to the highest attainable standard of health and commit to pursue full implementation of this right through specific measures. These include in article 24.2. (c) « the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution.»

**Breastfeeding is the clue to the best health of infants and young children and has positive effects on the health of women.**

**Breastfeeding is the first food system and breastmilk needs protection from environmental impacts.** Or breastmilk is often used to measure the environmental pollution that has ended up in humans through exposure to polluted air and water, or contaminated food. Headlines exposing the chemicals detected in breastmilk may lead to discourage breastfeeding.

**Breastfeeding is the first food system and breastfeeding needs protection from unethical marketing of breastmilk substitutes.** The International Code on marketing of breastmilk substitutes and subsequent resolutions have been adopted at the WHA to protect breastfeeding. Recent studies show that the marketing has not stopped and even exploits the actual pandemic.

In addressing the environmental impacts of the global food system, it is vital to start with the very first foods, that is to examine infant and young child feeding (IYCF) practices from birth. It is significant that the terms ‘dangers and risks of environmental pollution’ are used in article 24.2 (c) of the CRC. They have an impact on survival, health and development, on the economic situation of households and communities, and on the environment. **In climate related emergencies breastfeeding** is readily available on-site, sterile, and needs no preparation or storage in unsafe conditions. It **is a lifeline for infants and young children when access to breastmilk substitutes to clean water and access to cooking facilities are not available**! When high ambient temperatures and lack of cold storage facilities are threatening health.

Breastmilk the ideal food for infants is safe, clean and contains antibodies which help protect against many common childhood illnesses. Breastmilk provides all the energy and nutrients that the infant needs for the first months of life, and it continues to provide up to half or more of a child’s nutritional needs during the second half of the first year, and up to one third during the second year of life.  Infants who are fed on BMS in powder form do not receive this protection because these powdered infant formulas (PIFs) and infant cereals contain no live cells; they are dehydrated products to be reconstituted with water by the user.

Inappropriate marketing of breast-milk substitutes continues to undermine efforts to improve breastfeeding rates and duration worldwide.” <https://www.who.int/health-topics/breastfeeding#tab=tab_1>

Breastfeeding protects against chemical contaminants such as arsenic and other toxic chemicals in water used to prepare industrially produced baby formulas and foods. The February 2021 Staff Report of the U.S. House of Representatives has the title: Baby Foods Are Tainted with Dangerous Levels of Arsenic, Lead, Cadmium, and Mercury. <https://foodsafetytech.com/news_article/house-subcommittee-releases-report-on-dangerous-levels-of-toxic-heavy-metals-in-baby-food/>

Instead of creating markets for commercially manufactured milks and foods for infants and young children, the global food system must change to promote foods and drinks produced locally by sustainable agriculture – and by mothers.

The current focus of the global food system is on expanding the lucrative market for ultra-processed commercially produced foods and drinks. Examples are the intensively promoted infant, follow-on, toddler and growing up milk formulas for infants and young children, and the cereal-based foods given in complementary feeding. The industrial production of these foods and drinks places a heavy burden on the environment, caused by intensive dairy farming, industrial manufacturing and transportation. They are also expensive to purchase, require extensive packaging that is not biodegradable and often not recycled. These products are termed breastmilk substitutes because they displace breastmilk in the diet of infants and young children, and thus have a negative economic, health and environmental impact.

By contrast, breastmilk is a renewable natural resource the evidence is summarised in the 2016 article in The Lancet series on breastfeeding in the 21st century. **The environmental costs of not breastfeeding:** "Although not yet quantifiable in monetary terms, environmental costs are also associated with not breastfeeding. Breastmilk is a 'natural, renewable food' that is environmentally safe and produced and delivered to the consumer without pollution, unnecessary packaging, or waste.

More than 4000 l. of water are estimated to be needed along the production

pathway to produce just 1 kg of breastmilk-substitute powder. In the USA, 550 million cans,

86 000 tons of metal, and 364 000 tons of paper, annually used to package the product, end up

in landfills." <https://www.thelancet.com/series/breastfeeding>

The Convention on the Rights of the Child spells out the actions to be taken by States Parties which have ratified it. These actions include implementation and monitoring of the International Code of Marketing of Breastmilk Substitutes, adopted as a resolution of the World Health Assembly in 1981. This Code specifically calls on WHO Member States to adopt its provisions into national legislation, regulations or other suitable measures and adhere to these as a minimum requirement to protect, promote and support optimal breastfeeding. Under article 11, manufacturers and distributors of products under the scope of this Code should comply with its provisions.

Since 1981 the Code has been clarified and amplified by a series of WHA resolutions which address evolving marketing practices for breastmilk substitutes: <https://www.who.int/nutrition/netcode/resolutions/en/>

 These resolutions form an integral part of the International Code which is now referred to collectively as the Code. For the past 40 years, the International Baby Food Action Network, IBFAN, has monitored implementation of the Code and has documented the state of implementation in national laws, and lack of compliance by the baby food industry.

The challenge is to continue to hold governments and industry accountable for the lack of progress in Code implementation, and to this end IBFAN collaborates with WHO and UNICEF to produce biennial reports.: 2016: <https://www.who.int/publications-detail-redirect/9789241565325>

 The extent of this challenge was explained in the latest May 2020 report by WHO, UNICEF, and the International Baby Food Action Network (IBFAN). This reveals that despite efforts to stop the harmful promotion of breast-milk substitutes, countries are still falling short in protecting parents from misleading information: <https://www.who.int/publications/i/item/9789240006010> The 2020 report provides an extensive analysis of legal measures taken to prohibit promotion of breast-milk substitutes to health workers and in health facilities.” <https://www.unicef.org/press-releases/countries-failing-stop-harmful-marketing-breast-milk-substitutes-warn-who-and-unicef>

The International Code was adopted in 1981 by the World Health Assembly, by Health Ministers and experts forming the highest policy-setting body in international public health. . National measures to implement the Code were slowly adopted since 1981, and ananswer to this question would require not only an analysis of the successive reports on Code implementation by IBFAN, WHO and UNICEF but also a compilation of detailed information and statistics at national level from the 273 public interest groups in 168 countries in the IBFAN network.

The Concluding Observations of the CRC Committee specifically address the protection, promotion and support of breastfeeding and the action needed by States Parties to implement the Code national legal measures that can be enforced and monitored. IBFAN is one of the NGOs which since 1997 has produced what are called shadow NGO reports to complement those of governments.

An answer to this question would require compiling detailed statistics about increase in breastfeeding rates from the 273 public interest groups in the 168 countries in the IBFAN network.

**6.**

After six months of exclusive breastfeeding, as recommended by WHO, continued breastfeeding or infant formula feeding is complemented by the addition of adequate amounts of safe and nutritious solid or semi-solid foods, locally produced by sustainable agriculture. Families should be empowered to make feeding decisions free from commercial pressures and supported to make home-prepared or family foods for babies, toddlers and young children. These foods are minimally processed and thus offer value for money. Sustainable local agriculture provides foods that are biodiverse, reliable, and culturally appropriate. These family foods contrast with industrially produced and ultra-processed foods, with high levels of sugar and fats and some toxic chemicals that are marketed with all sorts of claims undermining the confidence in home-made and locally produced food . All such processed, packaged and transported foods are unsustainable, but all of them are heavily promoted by advertising and marketing methods which can undermine optimal and sustainable breastfeeding and complementary feeding. Community support for breastfeeding and environmentally friendly foods can be undermined by intensive marketing and promotion of these ultra-processed foods.

IBFAN works at national level with groups and NGOs in 168 countries on the broader issues outlined in the question, especially on initiatives to achieve implementation of the International Code and healthy and sustainably produced food. Countries such as Brazil, India and Mexico provide evidence but it would require more time to document these initiatives

**7*.***

Government measures to protect and fulfil the right of every child to the highest attainable standard of health through « the provision of adequate nutritious foods and clean drinking water” in article 24.2 (c) have faced challenges at every turn from the manufacturers and distributors of breastmilk substitutes, the baby food companies, and the high-income countries that support these industries to boost exports to third countries. To prevent enactment of legislative measures that can be enforced and monitored, these companies lobby governments aggressively, provide blandishments and attempt in every way to halt government measures aiming to hold them accountable for the impact of their marketing practices. The former senior legal adviser of WHO, Dr. Sami Shubber, is one of the world's foremost authorities on the subject who has published articles providing examples, and more recently his book ‘A detailed analysis and history of the WHO International Code of Marketing of Breast-milk Substitutes.

**8.**

All populations are vulnerable to unhealthy and unsustainably produced food, but especially young children. The protection, promotion and support of optimal breastfeeding practices is critical to empower women, their families and communities to safeguard the health and development of their babies so that they survive and attain their full potential. Women not only need skilled breastfeeding support and peer counselling, but also maternity protection as provided for in ILO Convention 183: <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183> while ILO Recommendation 191 provides for breastfeeding breaks and facilities: <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:R095:NO>Such maternity protection is essential for the many women who work in the informal sector and who are often living in poverty. In the same way, families and communities need information and training in sustainable agriculture and safe preparation of healthy food. Agricultural workers need protection, especially pregnant and breastfeeding women as well as adolescents, as provided for in Convention 184: <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C184> However, ratification and implementation of these Conventions is slow and merits further analysis.

**9.**

In 1998, IBFAN was a recipient of the Right Livelihood Award (RLA): “The RLA Jury has honoured IBFAN “for its committed and effective campaigning over nearly twenty years for the rights of mothers to choose to breastfeed their babies, in the full knowledge of the health benefits of breastmilk, and free from the commercial pressure and misinformation with which companies promote their products.” <https://www.rightlivelihoodaward.org/laureates/international-baby-food-action-network-ibfan/>

IBFAN set aside part of the Award funds to support IBFAN members whose lives or livelihoods are threatened. There have been several cases where those struggling to protect, promote and support breastfeeding and curb harmful marketing practices have received threats from the baby food industry and even from paediatric associations which often receive financial support form these industries. The most evident example is documented in the film Tigers, documenting the persecution of a sales representative and his family in Pakistan who exposed the tactics of one company there. <http://www.babymilkaction.org/tigers>

**10.**

The high-income states are reluctant to take any action which is of economic importance for them. Such action includes restricting the aggressive marketing practices of their food industries and thus limiting exports and curbing profits. These national and multinational companies promote unhealthy commercial products to low- and middle-income states, as well as to ethnic minorities, migrants and other significant sectors in their own societies which are vulnerable to the adverse health and economic effects of unhealthy food. However, the exporting states protect the profit of private companies instead of public health.

There is substantial evidence that actions of a high-income State successfully removed references to the Code, and especially to its relevant resolutions that clarify and amplify the International Code, from the drafts of the UN Voluntary Guidelines on Food systems and Nutrition, VGFSyN. These VGFSyN are still under discussion but until now it appears that their content will not give food systems

**11.**

Following the provisions of the International Code and all subsequent resolutions ass called for in the Code even in countries without legislation of the Code! Stopping unethical marketing of ultra-processed foods and stopping to invent more of these products to circumvent actual legislations!

**Appendices:**

**The most relevant ones are bolded!**

1.**Chemicals in hair of pregnant women** 2021 https://reader.elsevier.com/reader/sd/pii/S0160412021001069?token=8DBD8D30E7B8E28C13203A421E3437097E5FA9FC9BB31F984C74D8A136F43BCEAE198347FE8BD0DF5097F554C80CE15C&originRegion=eu-west-1&originCreation=20210428151149 pesticides in hair of pregnant women

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https://www.gifa.org/ibfan-written-contribution-to-the-3rd-session-of-the-intergovernmental-working-group-on-tncs-and-obes-with-respect-to-human-rights/

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https://www.gifa.org/the-concluding-observations-of-the-crc-and-the-cescr-committees-put-breastfeeding-in-the-spotlight/

4. 2017: CRC session 74: https://www.gifa.org/crc-session-74-read-the-post-session-report-and-the-committees-recommendations-on-breastfeeding/

5. 2016: **IBFAN submission on the HR implications of hazardous use of pesticides:**

https://www.gifa.org/ibfan-submission-on-the-human-rights-implications-of-the-widespread-use-of-hazardous-pesticides/

6. 2016: CRC session 59 and CESCR session 73: https://www.gifa.org/crc-session-73-cescr-session-59-recommendations-related-to-breastfeeding/

7. 2016: **Breastfeeding is a matter of human rights**: https://www.gifa.org/breastfeeding-a-matter-of-human-rights-say-un-experts-urging-action-on-formula-milk/

8. 2016: https://www.gifa.org/ibfan-gifa-advocates-**for-sound-management-of-endocrine-disrupting-chemicals-and-breastfeeding-as-a-renewable-resource**-at-the-crc-day-of-general-discussion-on-childrens-rights-and-the-environment/

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10. 2016: https://www.gifa.org/72nd-session-of-the-committee-of-the-child-countries-recommended-to-improve-code-implementation-and-enforcement/

11. 2016: https://www.gifa.org/73rd-session-of-the-committee-on-the-rights-of-the-child-13-to-30-september-2016/

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14. 2015: https://www.gifa.org/new-submission-to-the-ohchr-**study-on-climate-change-and-the-right-to-health/**

15. 2015: https://www.gifa.org/safe-feeding-for-your-baby-ibfan-statement-at-the-occasion-of-the-world-health-day-on-food-safety-7-april-2015/

16. 2014: <https://www.gifa.org/ibfan-statement-on-the-occasion-of-the-25th-anniversary-of-the-convention-on-the-rights-of-the-child/>

17. 2019 - 81st session CRC: https://www.gifa.org/81st-session-of-the-crc-spotlight-on-national-plans-for-breastfeeding-promotion-protection-and-support/

18. 2019 - 80th session CRC: https://www.gifa.org/80th-session-of-the-crc/

2018 - 79th session CRC: https://www.gifa.org/79th-session-of-the-crc-concerns-remain-on-child-malnutrition-and-implementation-of-the-international-code-of-marketing-of-breastmilk-substitutes/

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21. 2017: 76th session: <https://www.gifa.org/concluding-observations-from-the-76th-session-of-the-committee-on-the-rights-of-the-child/>

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