

## ***77<sup>th</sup> Session of the Committee on the Rights of the Child***

### **RECOMMENDATIONS RELATED TO BREASTFEEDING**

From January 15 to February 2, 2018, the [Committee on the Rights of the Child](#) (CRC Committee) held its 77<sup>th</sup> Session in Geneva.

The CRC Committee met delegations from 8 countries in order to evaluate their progress in the implementation of the [Convention on the Rights of the Child](#). The countries under review were: Guatemala, Marshall Islands, Palau, Solomon Islands, Seychelles, Spain and Sri Lanka. IBFAN submitted alternative reports on the situation of infant and young child feeding in [Guatemala](#), [Panama](#) and [Spain](#), and informed the Committee members about the main gaps in the policies and programmes of the other reviewed countries through direct communication and advocacy during the Session.

#### **Direct and Indirect Recommendations on Breastfeeding**

In its [Concluding Observations](#), the CRC Committee referred specifically to breastfeeding for 5 out of the 8 countries under review: Marshall Islands, Panama, Seychelles, Solomon Islands and Spain.

At a more general level, the Marshall Islands were urged to develop a ***national programme for the protection, promotion and support of breastfeeding*** through comprehensive campaigns. The recommendation to improve ***data collection*** on all areas of the Convention was made to the 8 countries under review. Data should be disaggregated by age, sex, disability, geographic location, and socioeconomic background. 5 countries were recommended by the CRC Committee to ***allocate adequate resources*** for children's rights realization: Marshall Islands, Palau, Solomon Islands, Spain and Sri Lanka.

Measures aimed at ***reducing child mortality rates*** were urged for 6 out of the 8 countries under review: all countries except for Spain and Sri Lanka. More specifically, Palau was recommended to reduce child mortality linked with non-communicable diseases (NCDs) by focusing both on prevention and management. Guatemala, Panama and the Seychelles, in particular, were urged to reduce also the still high maternal mortality rates.

---

7 out of 8 countries received a recommendation about the need for an ***independent monitoring mechanism*** for children's rights: Marshall Islands, Palau, Panama, Seychelles, Solomon Islands, Spain and Sri Lanka.

**Cooperation with civil society** was mentioned and recommended to 5 countries: Guatemala, Marshall Islands, Panama, Seychelles and Sri Lanka. The CRC Committee insisted on the importance to involve civil society in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to children's rights. In the case of Sri Lanka, the recommendation refers mainly to ensuring the protection of children's right defenders, while in the case of the Seychelles, the recommendation is about including children in the State party's framework of cooperation with civil society.

Additionally, ***food and nutrition-related recommendations*** were mentioned in the Concluding Observations to 5 out of 8 countries under review. Spain was warned about the rise in child obesity and urged to take effective measures to address this problem; Palau was recommended to reduce the risk of non-communicable diseases by increasing early childhood obesity prevention interventions informed by reliable disaggregated data on children; Guatemala was urged to design programmes to combat child and maternal malnutrition; Panama was recommended to regularly monitor and assess the effectiveness of policies and programmes on child food security and nutrition; finally, in its recommendations to Sri Lanka, the Committee exhorted the State party to effectively address malnutrition, particularly in terms of stunting, wasting, low weight and anemia, and carry out public awareness programs on proper infant and young child feeding practices.

### Breastfeeding Protection

Full implementation of the ***International Code of Marketing of Breastmilk Substitutes*** was recommended to 5 countries: Marshall Islands, Panama, Seychelles, Solomon Islands and Spain.

The ***OHCHR Technical Guidance*** on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age ([A/HRC/27/31](#)) was included in the recommendations to 2 countries: Guatemala and the Seychelles. The OHCHR Technical Guidance makes direct reference to breastfeeding protection and support, and specifically calls for implementation and monitoring of the International Code of Marketing of Breast-milk Substitutes.

---

Furthermore, the CRC Committee addressed the relation between **children's rights and the business sector** in its Concluding Observations to 6 countries: Guatemala, Marshall Islands, Panama, Seychelles, Spain and Sri Lanka. As for the specificities in the recommendations to these countries, the Seychelles were urged to ensure effective implementation by companies, of international and national environment and health standards, effective monitoring of implementation of these standards and appropriately sanctioning and providing remedies when violations occur; Guatemala was recommended to disseminate information about available remedies for children's rights violations in the context of business and to require companies to publicly disclose the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts – a similar public-disclosure recommendation was made also to Panama and Sri Lanka. The Marshall Islands were recommended to establish mechanisms for the investigation and redress of children's rights violations. Spain was urged to establish and implement regulations to ensure that the business sector, including in the context of public procurement, complies with the rights of the child.

### Breastfeeding Promotion

The CRC Committee recommended an increased and more effective **promotion of breastfeeding** to 4 countries under review: Marshall Islands, Seychelles, Solomon Islands and Spain. Panama, in particular, was recommended to strengthen the National Commission for the Promotion of Breastfeeding.

### Breastfeeding Support

The recommendation to implement or strengthen the **Baby-Friendly Hospital Initiative** was made by the CRC Committee to the Marshall Islands, Panama and the Solomon Islands. The Seychelles were recommended to increase the low rate of exclusive breastfeeding under 6 months. The need for adequate **training of health professionals** working with children was included in the recommendations to the Marshall Islands, Palau and Sri Lanka. Appropriate **breastfeeding support** to mothers through counseling was recommended to the Marshall Islands and to Panama.

**CRC Committee's Concluding Observations on Infant and Young Child Feeding**

Session 77 – January 2018	<b>Country</b>	<i>IBFAN report</i>	<b>Summary of recommendations on IYCF</b>
1	Guatemala (5 <sup>th</sup> and 6 <sup>th</sup> periodic report)	yes	<p><i>Indirect – Allocation of resources (§8): (a) Increase budgetary resources for the implementation of children's rights and, in particular, increase the budget allocated [...] for the implementation of measures related to birth registration, chronic malnutrition, health, education, measures to combat violence against children and deinstitutionalization; Data collection (§9): (a) Strengthen its data-collection system at the national and municipal levels [...] Cooperation with civil society (§11): systematically and meaningfully involve non-governmental organizations working in the field of children's rights, including children-led organizations, in the development, implementation, monitoring and evaluation of laws, policies and programmes relating to children's rights. Children's rights and the business sector (§12): (c) Disseminate information about available remedies for children's rights violations in the context of business [...]; (d) Require companies [...] full public disclosure of the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts. Right to life, survival and development (§16): (d) Implement and apply the Office of the United Nations High Commissioner for Human Rights (OHCHR) technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31). Health and health services (§32): Ensure sufficient budget allocation for [...] programmes to combat child and maternal mortality and malnutrition, undertaking periodic assessments; Nutrition (§34): Ensure periodical increase in budget allocations for implementing the National Strategy to Prevent Chronic Malnutrition and other programmes to combat chronic malnutrition and regularly assess their impact; (c) Enforce the Law on National Food and Nutrition Security addressing violations of the right to food, and address the multi-causal aspect of chronic malnutrition [...].</i></p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGTM%2fCO%2f5-6&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGTM%2fCO%2f5-6&amp;Lang=en</a></p>

	2	Marshall Islands (3 <sup>rd</sup> and 4 <sup>th</sup> periodic report)	no	<p><i>Indirect – Allocation of resources (§8): allocate adequate financial, human and technical resources for the implementation of the recommendations in the present concluding observations, as well as of all policies, plans, programmes and legislative measures directed to children.</i> <u>Data collection (§9):</u> (a) Expediently improve its data-collection system to cover all areas of the Convention [...]; (b) Ensure that data and indicators are shared among relevant ministries and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.</p> <p><u>Independent monitoring (§10):</u> (a) Expediently establish an independent national human rights institution,...] including a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive and confidential manner; <u>Cooperation with civil society (§12):</u> continue to strengthen its collaboration with civil society on children's rights, including by systematically involving them in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to children's rights. <u>Children's rights and the business sector (§13):</u> (a) Establish a legislative framework to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the State party's territory; (c) Require companies [...] full public disclosure of the environmental, health-related and child rights impacts of their business activities and their plans to address such impacts.</p> <p><i>Health and health services (§28):</i> (a) Reduce child mortality by improving access to and use of health, nutrition, water, sanitation and hygiene services; (e) Ensure that there are adequate facilities in place for the treatment of children, including sufficient numbers of well-trained health workers for children and pregnant women, especially obstetric neonatal care facilities, particularly in the outer islands.</p> <p><b>Direct – Health and health services (§28):</b> (d) Fully implement the International Code of Marketing of Breast-milk Substitutes, develop a national programme for the protection, promotion and support of breastfeeding through comprehensive campaigns, provide support to mothers through appropriate counselling structures and implement the UNICEF Ten Steps to Successful Breastfeeding in all the hospitals, clinics and communities of the State party.</p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMHL%2fCO%2f3-4&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMHL%2fCO%2f3-4&amp;Lang=en</a></p>
--	---	---	----	---

	3	Palau (2 <sup>nd</sup> periodic report)	no	<p><i>Indirect – Allocation of resources (§ 12): continue to increase allocated budgetary resources for children to the maximum extent possible in accordance with article 4 of the Convention; Data collection (§13a): Develop a comprehensive system of disaggregated data collection which would incorporate all aspects covered by the Convention; Independent monitoring (§15): (a) Ensure that the National Committee on Human Rights or the Ombudsman's Office has a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints concerning and by children in a child-sensitive manner; (b) Ensure the independence of these institutions, including with regards to funding, mandate and immunities. Health and health services (41): (c) Take measures to reduce child mortality due to non-communicable diseases by focusing both on prevention and management; (d) Reduce the risk of non-communicable diseases later in life by increasing early childhood obesity prevention interventions informed by reliable disaggregated data on children; (f) Ensure that there are sufficient dentists and well trained health workers for children, particularly in the rural areas and outer islands.</i></p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPLW%2fCO%2f2&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPLW%2fCO%2f2&amp;Lang=en</a></p>
--	---	--	----	---

	4	Panama (5 <sup>th</sup> and 6 <sup>th</sup> periodic report)	yes	<p><i>Indirect – Allocation of resources (§9): introduce a child-rights perspective into its budgeting process at national and provincial level [...]. Data collection (§10): (a) Ensure continuity in the collection of comparable disaggregated data for all areas of the Convention; (c) Ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. Independent monitoring (§11): the Children and Young Persons Unit of the Ombudsman's office be provided with the necessary human, technical and financial resources to effectively monitor, promote and protect children's rights in all provinces. Cooperation with civil society (§13): facilitate involvement of civil society in the formulation, implementation and monitoring of public policies and programmes regarding children's rights. Children's rights and the business sector (§14): (c) Guarantee full public disclosure of the environmental, health-related and human rights impacts of planned projects and activities, as well as of plans to address such impacts, and ensure the consistent consideration of results of environmental impact assessments of investment projects. Health and health services (§29): (b) Strengthen efforts to provide prenatal and postnatal care to address the high rates of mortality of infants and children aged 5 years and younger, and the still high maternal mortality rates; (c) Promote workplace support for mothers in relation to pregnancy and the sharing of child care responsibility between fathers and mothers, and guarantee access to feasible and affordable childcare services; (g) Regularly monitor and assess the effectiveness of policies and programmes on child food security and nutrition.</i></p> <p><i>Direct – Health and health services (§29): (d) Reinforce awareness raising on and fully implement the International Code of Marketing of Breast-milk Substitutes, and ensure clinics and hospitals follow the Ten Steps to Successful Breastfeeding; (e) Strengthen the National Commission for the Promotion of Breastfeeding and support mothers through counselling structures;</i></p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPAN%2fCO%2f5-6&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPAN%2fCO%2f5-6&amp;Lang=en</a></p>
--	---	---	-----	--

	5	Seychelles (5 <sup>th</sup> and 6 <sup>th</sup> periodic report)	no	<p><u>Indirect – Allocation of resources</u> (§10): (a) Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights [...]; <u>Data collection</u> (§11): (a) Expediently improve its data collection and management system, whose data should cover all areas of the Convention; <u>Independent monitoring</u> (§12): (a) [...] include a specific mechanism for monitoring children's rights, that is able to receive, investigate and address complaints by or on behalf of children regarding violations of their rights in all areas covered by the Convention in a child-sensitive manner; (b) Ensure the independence of such monitoring mechanisms, including with regards to its funding, mandate and immunities. <u>Cooperation with civil society</u> (§14): The Committee recommends that the State party involves children themselves in its cooperation framework with the civil society, including non-governmental organizations (NGOs). <u>Children's rights and the business sector</u> (§15): (b) Ensure effective implementation by companies, of international and national environment and health standards, effective monitoring of implementation of these standards and appropriately sanctioning and providing remedies when violations occur [...]; (c) Require companies to undertake assessments, consultations, and full public disclosure of the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts [...]; (e) Establish monitoring mechanisms for the investigation and redress of children's rights violations; <u>Health and health services</u> (§30): effectively implement existing programmes aimed at reducing mortality rates, and seek financial and technical assistance from UNICEF and the World Health Organization (WHO), among others, in this regard.;</p> <p><u>Direct – Breastfeeding</u> (§31): the Committee recalls its previous recommendations (CRC/C/SYC/CO/2-4, para. 53), and recommends that the State party step up its efforts to promote exclusive and continued breastfeeding by providing access to materials and promote exclusive breastfeeding of infants for the first six months of their lives with the aim of reducing neonatal as well as under-five mortality, and limit the use of milk substitutes, including by implementing the International Code of Marketing of Breast-milk Substitutes.</p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSYC%2fCO%2f5-6&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSYC%2fCO%2f5-6&amp;Lang=en</a></p>
--	---	---	----	---

	6	Solomon Islands (2 <sup>nd</sup> and 3 <sup>rd</sup> periodic report)	no	<p><i>Indirect – Allocation of resources (§12): in planning its future budgets increase allocated budgetary resources specifically for children to the maximum extent possible in accordance with article 4 of the Convention and thereby take measures to reduce reliance on foreign assistance and donor strategies and in particular increase budget and expenditures for children with disabilities and for children's health.</i></p> <p><i>Data collection (§ 13): strengthen its efforts to develop a comprehensive system of disaggregated data collection incorporating all the areas covered by the Convention and covering all children [...].</i></p> <p><i>Independent monitoring (§15): (a) Expeditedly designate or establish a specific mechanism for monitoring children's rights that has the mandate to receive, investigate and address complaints by children in a child-sensitive manner; Health and health services (§ 37): (a) Take measures, such as roll out of the specific programme for the management of childhood illnesses, to reduce infant, under five and child mortality due to preventable diseases, such as malaria and diarrhoea.</i></p> <p><b><i>Direct – Health and health services (§37): (c) Continue encouraging breast-feeding activities, take measures to certify all hospitals as baby-friendly and fully implement the International Code of Marketing of Breast-milk Substitutes;</i></b></p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLB%2fCO%2f2-3&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSLB%2fCO%2f2-3&amp;Lang=en</a></p>
--	---	--	----	---

	7	Spain (5 <sup>th</sup> and 6 <sup>th</sup> periodic report)	yes	<p><i>Indirect – Allocation of resources (§9): take measures to promote in all autonomous communities a comprehensive assessment of the budget needs of children with a view to redistributing the resources for the implementation of children's rights; [...] (a) Adopt a child-rights approach to the elaboration of public budgets, specifying clear allocations to children, including specific indicators and a tracking system to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for implementation of the Convention; (b) Improve transparency of the use of resources assigned to children, encouraging public dialogue, including with children, and proper accountability mechanisms for regional and local authorities; Data collection (§10): (a) Expand the capacity of collecting disaggregated data on children in all areas of the Convention at different territorial levels, especially on children in situations of vulnerability; (b) Ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. Independent monitoring (§11): take the measures necessary to protect and reinforce the independent monitoring of children's rights; Children's rights and the business sector (§12): (a) Establish and implement regulations to ensure that the business sector, including in the context of public procurement, complies with the rights of the child; (b) Integrate an explicit focus on children's rights, including the requirement for businesses to undertake child rights due diligence in the implementation of their activities; (c) Promote the adoption of human rights parameters for the operations at home and abroad of Spanish corporations and other businesses subject to the jurisdiction of the State party; Health and health services (§ 32): increase the number of paediatricians and ensure that general practitioners providing health services to children receive additional specialized skills, training and expertise on child and adolescent care. Nutrition (§35): (a) Strengthen programmes to address the rise in child obesity;</i></p> <p><i>Direct – Nutrition (§35): (b) Ensure that all the provisions of the International Code of Marketing of Breastmilk Substitutes are integrated in national laws to appropriately regulate the promotion of breast milk substitutes and strengthen the promotion of exclusive breastfeeding for at least six months.</i></p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fESP%2fCO%2f5-6&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fESP%2fCO%2f5-6&amp;Lang=en</a></p>
--	---	--	-----	--

	8	Sri Lanka (5 <sup>th</sup> and 6 <sup>th</sup> periodic report)	no	<p><i>Indirect – Allocation of resources (§8): (b) Increase the budget allocated to social sectors, in particular health and education, address disparities on the basis of indicators related to children's rights and define earmarked budgetary lines, which are protected including in the context of crises, disasters or emergencies for children in disadvantaged or vulnerable situations; Data collection (§9): set up a comprehensive data collection system with the support of its partners and to analyse the data collected as a basis for assessing progress achieved in the realization of children's rights and to help design policies and programmes to implement the Convention. Independent monitoring (§10): (a) Ensure the independence of the NHRC in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles); (d) Establish a specific mechanism for monitoring children's rights. Children's rights and the business sector (§13): (a) Establish a clear regulatory framework for domestic and foreign businesses, ensuring their legal accountability and that their activities do not negatively affect human rights or endanger environmental and other standards especially those relating to children's rights; (d) Request companies to carry out environmental, health-related and human rights impact assessments of their activities, which are disclosed to the public. Nutrition (§34): effectively address malnutrition, particularly in terms of stunting, wasting, low weight and anemia, and carry out public awareness programs on proper infant and young child feeding practices.</i></p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fLKA%2fCO%2f5-6&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fLKA%2fCO%2f5-6&amp;Lang=en</a></p>
--	---	--	----	---