

79th Session of the Committee on the Rights of the Child

RECOMMENDATIONS RELATED TO BREASTFEEDING

From September 17 to October 5, 2018, the [Committee on the Rights of the Child](#) (CRC Committee) held its 79th Session in Geneva.

The CRC Committee reviewed the implementation of the [Convention on the Rights of the Child](#) in 4 countries: El Salvador, Lao People's Democratic Republic, Lesotho, Mauritania and Niger. IBFAN submitted one alternative report on the situation of infant and young child feeding in [Niger](#). Direct advocacy during the session allowed the Committee members to address relevant questions on the status of IYCF policies to the other countries under review.

Recommendations related to Breastfeeding

In its [Concluding Observations](#), the CRC Committee referred specifically to breastfeeding for all countries under review. Child malnutrition was highlighted as a reason of concern in the concluding observations of all state parties. Additionally, the committee recommended Niger, Mauritania and Laos to fully implement the International Code of Marketing of Breastmilk Substitutes

Breastfeeding Protection, Promotion and Support

Breastfeeding was mentioned in the concluding observations to all the countries under review by the Committee. As mentioned above, implementation of the ***International Code of Marketing of Breastmilk Substitutes*** was recommended to Mauritania, Niger and Laos. The same countries also received the recommendation to take into account 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](#)). The Technical Guidance makes direct reference to breastfeeding protection and support, and calls for the implementation and monitoring of the International Code of Marketing of Breastmilk Substitutes. Furthermore, the CRC Committee addressed the relation between ***children's rights and the business sector*** in its Concluding Observations to Mauritania, Niger and Laos, affirming the need to establish a legally binding framework in order to hold businesses accountable whenever they negatively affect children's rights.

Maternity leave, another pillar of breastfeeding protection, was specifically mentioned in the concluding observations to Laos, which was invited to extend its leave to at least 14 weeks.

The CRC Committee recommended El Salvador, Niger and Laos to invest (or continue investing, in the case of El Salvador) in measures to promote breastfeeding. Additionally, Mauritania, Niger and Laos received the recommendation to increase the number of **Baby-Friendly Hospitals** in the country.

Other relevant recommendations

The recommendation to improve **data collection** on all areas of the Convention was made to the 4 countries under review. Data should be disaggregated by age, sex, disability, geographic location, and socioeconomic background. All countries were also recommended to **allocate adequate resources** for children's rights realization. El Salvador, in particular, was recommended to increase budget allocations for health and education.

Maternal mortality was highlighted as a matter of concern for Mauritania, while recommendations concerning **child mortality rates** were made to 3 out of 4 countries: Mauritania, Laos and Niger. Similarly, Mauritania was recommended to take measures to increase the number of **skilled attendants at birth**. **Malnutrition** was also addressed in the concluding observations of all countries under review.

HIV/AIDS was addressed to all countries, which were encouraged to step up their efforts to eliminate vertical transmission. Niger was specifically recommended to improve access and coverage of ARV to pregnant women and girls.

2 out of 4 countries received a recommendation about the need for an **independent monitoring mechanism** for children's rights: Mauritania and El Salvador. Niger was recommended to reinforce such mechanism.

Strengthened **cooperation with civil society** in implementing the Convention on the Rights of the Child was recommended to all four countries.

Finally, increased **dissemination, awareness-raising and training** on the Convention on the Rights of the Child and on the relevant children's rights were recommended to all the four countries under review.

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

Session 79 – September 2018	Country		IBFAN report	Summary of recommendations on IYCF
	1	Mauritania (3 rd to 5 th periodic report)	no	<p><i>Indirect – Allocation of resources (§9): (a) Allocate adequate human, financial and technical resources at all levels of government for the implementation of all policies, plans, programmes and legislative measures directed to children; (b) Establish appropriate mechanisms and inclusive processes through which civil society, the public and children can participate in all stages of the budget process, including formulation, implementation and evaluation; (c) Conduct regular assessments of the impact of the budgetary allocations on children to ensure that they are effective, efficient, sustainable and consistent with the principle of non-discrimination; (d) Strengthen its efforts to mobilize domestic financial resources to ensure that budgetary allocations to sectors supporting the realization of children's rights are not affected by the decline in official development assistance or adverse economic conditions. <u>Data collection (§10): (a) Strengthen its database for data collection and ensure that it covers all areas of the Convention, including children in disadvantaged or vulnerable situations and especially in the areas of violence against children, children with disabilities, children in street situations and migrant children; (b) Disaggregate data by age, sex, disability, geographic location, ethnic and national origin and socioeconomic background; (c) Ensure that data and indicators are shared among relevant ministries and used for the formulation, monitoring and evaluation of policies and programmes for the effective implementation of the Convention; [...] <u>Independent monitoring (§11): ensure the independence of the National Human Rights Commission in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including with regards to its funding, mandate and professional staff, and strengthen its capacities to monitor children's rights and to effectively receive, examine and address complaints by children in a child-sensitive manner. <u>Dissemination, awareness-raising and training (§12): strengthen its awareness-raising and education programmes, including campaigns on the Convention, in cooperation with civil society and the media, in a child-friendly manner and in all four national languages, paying particular attention to girls and to children in remote and rural areas; <u>Cooperation with civil society (§13): (a) Revise its draft bill on civil society to remove restrictions on their registration and functioning, especially for those working on children's rights; (b) Further strengthen its collaboration with civil society, including by providing the support necessary to their activities in all areas related to the promotion and protection of the rights of children, and allocating sufficient resources to the Children's Directorate to effectively coordinate their work. <u>Children's rights and the business sector (§14): (a) ensure that their activities do not negatively affect children's rights or endanger environmental and other</u></u></u></u></u></i></p>

			<p><i>standards; (b) Examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of companies and their subsidiaries operating in or managed from the State party's territory, especially in the mining industry; (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. <u>Health and health services (§32)</u>: (a) Prioritize measures to decrease infant and under-five mortality rates by, inter alia, improving ante- and postnatal care, enhancing the capacity of healthcare providers, increasing the availability and accessibility of emergency obstetric care and skilled birth attendants in rural areas, and applying the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31); [...] (c) Ensure that health care and nutrition services, including any national nutrition plans, are extended to the more vulnerable families and to rural and remote communities; (d) Implement comprehensive policies and strategies at the national level, with the full participation of families and communities, to promote mental health, prevent mental health disorders and provide adequate mental health services for the recognition, diagnosis and treatment of mental health issues among children, including provision of the necessary facilities and qualified personnel, and support to families with children at risk; (e) Strengthen its efforts to combat the spread and effects of HIV/AIDS, including by scaling up efforts to prevent mother-to-child transmission and intensifying awareness-raising campaigns, in line with the Committee's previous recommendations</i></p> <p>Direct – Health and health services (§32): (b) Incorporate into its legislation the provisions of the International Code of Marketing of Breastmilk Substitutes and increase the number of child-friendly hospitals;</p> <p>Link to the full Concluding Observations</p>
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	2	<p>Niger</p> <p>(3rd to 5th periodic report)</p>	yes	<p><i>Indirect – Allocation of resources (§8): (a) Increase substantially and prioritize the allocations in the areas of health, education, nutrition and protection to adequate levels; Data collection (§9): (a) Expediently improve its data collection system. The data should cover all areas of the Convention and should be disaggregated, among others, by age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis on the situation of all children, particularly those in situations of vulnerability. The collection and use of data should be based on respect for human rights and for the principle of self-identification; (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 (§10): (a) Continue strengthening the mandate of the National Commission for Human Rights, including its mechanism for monitoring children’s rights and its capacity to receive, investigate and address complaints by children in a child-sensitive manner; Dissemination, awareness-raising and training (§11): continue strengthening its efforts to raise awareness of the population on the provisions of the Convention, including by reaching persons belonging to minority groups and population in rural and remote areas. Cooperation with Civil Society (§12): Strengthen further its collaboration with civil society organizations, including by providing support for services delivered by civil society organizations related to the promotion and protection of the rights of the children through formal agreements. Children’s rights and the business sector (§13): (a) Establish a clear regulatory framework for the industries, especially mining industries, operating in the State party to ensure that their activities do not negatively affect human rights or endanger environmental and other standards, especially those relating to children’s rights; (b) Ensure effective implementation by companies, especially industrial 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, as well as ensure that appropriate international certification is sought; (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. Right to life, survival and development (§17): (a) Address the poverty and structural inequalities underlying the high rate of child mortality in the State party; (b) Improve its health services to decrease infant and child mortality by providing better protection against preventable diseases, such as malaria, respiratory and diarrhoea causing diseases, raising awareness of methods of prevention, and providing appropriate health-care services for mothers and postnatal care for infants and children, taking note of target 3.2 of the Sustainable Development Goals on ending the preventable deaths of children under 5 years of age; (c) Implement 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</i></p>
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			<p>(A/HRC/27/31). <u>Health and health services (§32)</u>: (a) Prioritize measures to improve access to and the quality of health-care and nutrition services, including by allocating sufficient financial resources to the health sector and ensuring the availability of qualified health staff; [...]. <u>HIV/AIDS (§35)</u>: (a) Sustain the measures in place to prevent mother-to-child transmission of HIV/AIDS, including through increasing Prevention of Mother to Child Transmission centers both in urban and rural areas, and develop a roadmap to ensure the implementation of its plans by allocating sufficient human, technical and financial resources; (b) Improve follow-up treatment for HIV/AIDS-infected mothers and their infants to ensure early diagnosis and early initiation of treatment; (c) Accelerate the adoption of the Elimination of Transition of Mother to Child (e-TME) Plan for 2018-2020; (d) Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services; (e) Improve access and coverage of antiretroviral therapy and prophylaxis for HIV-infected pregnant women and girls;</p> <p>Direct – Health and health services (§32): (c) Promote, protect and support breastfeeding, increase the number of hospitals certified as Child Friendly and fully implement the International Code of Marketing of Breast-milk Substitutes;</p> <p>Link to the full Concluding Observations</p>
3	El Salvador (5 th and 6 th periodic report)	no	<p><u>Indirect – Allocation of resources (§ 8)</u>: (a) Significantly increasing the budget allocations to health and education, with a view to reaching minimum internationally accepted levels as soon as possible; (b) Promptly implementing the Program-based budget with a focus on results for the financing of public policies longer than one-year; (c) Implementing a tracking system for the allocation and the use of resources for children throughout the budget; (d) Defining budgetary lines for children in disadvantaged or vulnerable situations, particularly in the context of poverty, violence and migration; (e) Ensuring transparent and participatory budgeting through public dialogue, including with children and for proper accountability of local authorities; (f) Strengthen institutional capacities to effectively detect, investigate and prosecute corruption, taking note of target 16.5 of the Sustainable Development Goals on substantially reducing corruption and bribery in all their forms. <u>Data collection (§9)</u>: (a) Ensure that its multiple systems for the collection of data regarding the rights of the child are integrated to avoid duplication and facilitate the timely and regular collection, and analysis of information of the situation of all children; <u>Independent monitoring (§10)</u>: (a) Ensure that the Deputy Procurator for the protection of the rights of children and youth in the Human Rights Procurator's Office (Procuraduría para la Defensa de los Derechos Humanos) is able to receive, investigate and address complaints by children in a child-sensitive manner; (b) Ensure that the Deputy Procurator undertakes monitoring,</p>

			<p><i>follow-up and verification activities, including to all facilities where children are deprived of liberty, and that its complaint procedure guarantees the privacy and protection of child victims; [...] <u>Dissemination, training and awareness-raising (§11):</u> continue carrying-out regular training to professionals working with and for children and extend these training to police, prosecutors, judges and border staff. The Committee recalls its previous recommendation (CRC/C/SLV/CO/3-4, para. 24) and further recommends that the Convention is included in school curricula at all levels and regularly promoted on radio, television and social media. <u>Cooperation with civil society (§12):</u>The Committee recalls its previous recommendation (CRC/C/ SLV/ CO/3-4, para. 20) and recommends that the State party strengthen its efforts to systematically involve civil society, including non-governmental organizations and children's organizations, in the planning, implementation, monitoring and evaluation of policies, plans and programmes related to children's rights. <u>HIV/AIDS (§38):</u> With reference to its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party continue to take measures to prevent mother-to-child transmission of HIV/AIDS and improve access to quality, age-appropriate sexual and reproductive health education to girls and boys to prevent HIV/AIDS. <u>Nutrition (§39):</u> (a) Address underlying determinants of child malnutrition, including economic deprivation; (c) Strengthen its measures to address child overweight and obesity, in both urban and rural areas; and (d) Systematically collect data on children's food security and nutrition.</i></p> <p><u>Direct – Nutrition (§39):</u> (b) Continue to invest in measures to promote exclusive breastfeeding for the first six months;</p> <p>Link to the full Concluding Observations</p>
4	Lao People's Democratic Republic (3 rd to 6 th periodic report)	no	<p><u>Indirect – Allocation of resources (§8):</u> (a) Substantially increase the budget allocations in the areas of health and education to at least the minimum levels established by the National Assembly and the Education law, as well as in the area of child protection; (b) Strengthen capacities to mainstream child care and protection issues into national and local planning and budgeting; (c) Develop costing estimates and a sustainable funding plan for institutions mandated by new laws and for new policies; (d) Take effective measures to prevent and eliminate any corruption and mismanagement of public resources affecting children's rights, taking note of target 16.5 of the Sustainable Development Goals on substantially reducing corruption and bribery in all their forms; (e) Seek internal sources of funding to reduce dependence on official development assistance. <u>Data collection (§9):</u> (a) Expediently establish a national data collection system. The data should cover all areas of the Convention and should be disaggregated by</p>

			<p>age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis on the situation of all children, particularly those 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; (c) Conduct more in-depth research where information is lacking, in particular on children with disabilities, commercial sexual exploitation of children, children in detention and children without parental care; [...] <u>Independent Monitoring (§10)</u>: Recalls its previous recommendation (see CRC/C/LAO/CO/2, para. 15) that the State party establish an independent monitoring mechanism that is compliant with the Paris principles. Such a body should have a clear mandate to receive and investigate complaints from or on behalf of children about violations of their rights, and should be provided with the necessary human and financial resources. [...]. <u>Dissemination, awareness-raising and training (§11)</u>: (a) Continue to disseminate information on the Convention, in particular to legislators and judges to ensure the application of the Convention in the legislative and judicial processes; (b) Conduct specific training sessions on the Convention and its Optional Protocols for relevant groups of professionals, including the judiciary, law enforcement and military personnel, teachers, health-care personnel, social workers and the media. <u>Cooperation with civil society (§12)</u>: Urges the State party to take all necessary legislative, judicial or administrative steps to simplify and accelerate the registration process for civil society organizations working on children's rights. The Committee further recommends that the State party establish a formal mechanism for policy engagement with civil society with regard to the implementation of the Convention. <u>Children's rights and the business sector (§13)</u>: (a) Establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environmental and other standards, particularly with regard to children's rights; (b) Establish a clear regulatory framework for the industries operating in the State party, in particular the construction, excavation, farming and tourist industries, to ensure that their activities do not negatively affect children's rights or endanger environmental and other standards; (c) Require companies to undertake assessments, consultations, and full public disclosure of the environmental, health-related and children's rights impacts of their business activities and their plans to address such impacts. <u>Health and Healthcare services (§32)</u>: (a) Step up its efforts to address the regional disparities in terms of health care by increasing health sector funding and increasing access, including through improving the road infrastructure, to well-equipped and adequately stocked facilities; (b) Increase the number of health care professionals, improve their access to quality training and develop programmes in local languages for different ethnic groups; (c) Effectively implement existing programmes aimed at reducing child mortality and morbidity rates, including by improving the skills of midwives and adopting quality standards for maternal and new-born care; (d) Take into account the technical guidance from OHCHR on the application of a human rights-based approach to the</p>
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International Baby Food Action Network
Geneva Infant Feeding Association



			<p><i>implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31).</i></p> <p><i><u>Direct – Nutrition and Breastfeeding (\$35):</u></i> (a) <i>Allocate sufficient financial, human and technical resources for the implementation of the National Nutrition Strategy and Plan of Action, and ensure leadership and coordination, while swiftly adopting its envisaged new national food and nutrition policy, giving critical importance to maternal, infant and young child nutrition in rural areas;</i> (b) <i>Step up efforts to promote exclusive and continued breastfeeding by providing access to information materials and by fully implementing the International Code of Marketing of Breast-milk Substitutes, promote exclusive breastfeeding of infants for the first six months of their lives, with the aim of reducing mortality among newborns and children under 5 years of age, adjust the duration of maternity leave to at least 14 weeks and increase the number of hospitals with a Baby-Friendly license.</i></p> <p>Link to the full Concluding Observations</p>
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