

**Written Submission to the thematic report of the
UN Special Rapporteur on the right to food:
*Agricultural workers and the right to food***

May 2018

IBFAN welcomes the opportunity to provide an input to the upcoming thematic report of the UN Special Rapporteur on the right to food, on the topic of agricultural workers.

According to the last ILO's report on informal employment¹, *"agriculture is the industry sector with the highest level of informal employment (93.6 per cent) around the world."* Additionally, as highlighted in the 2016 Special Rapporteur's interim report to the Human Rights Council, providing a gender perspective to the right to food: *"Most of the world's poor who live and work in rural areas are employed in the agriculture sector. Globally, 20-30% of the 450 million waged agricultural workers are women with around 40 per cent just in Latin America and the Caribbean ; [...] almost 70 per cent of all employed women in Southern Asia and more than 60 per cent in sub-Saharan Africa work in agriculture."*² In light of this impressive proportion, IBFAN emphasizes the need to guarantee maternity protection for women working in the agricultural sector. IBFAN insists on the responsibility of governments to ensure that all sectors of their respective economies are covered under the national legislation on maternity protection. To this purpose, IBFAN would like to call upon governments to ratify and implement ILO's maternity protection instruments as a minimum requirement: **Maternity Protection Convention No. 183 (2000)** and **Maternity Protection Recommendation No. 191 (2000)**. Maternity protection legislation should help working mothers to recover after childbirth and enable them to follow WHO's recommendations on optimal infant and young child feeding (IYCF)³, including upon return to work.

How is IYCF relevant for agricultural workers? As explained in the Concept Note of the SR's thematic report on agricultural workers and the right to food, *"agricultural workers tend to be unable to access adequate nutritious foods for themselves and their families"*. Breastfeeding contributes to children's enjoyment of the right to adequate food and nutrition, to their right to life, survival and development, to their and their mothers' right to health, to the right to non-discrimination. Children, mentioned in the document as a vulnerable group, deserve special attention in this sense, and governments should make sure that *"all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding"* [art. 24.2(e) CRC]. Furthermore, keeping in mind the sometimes precarious financial situation of agricultural workers' families, it should be noted that

¹ International Labour Organization (2018), *Women and Men in the Informal Economy: A Statistical Picture*, available online at: www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_626831.pdf

² TNI/FIAN/IGO/EDCL (2014), *Women agricultural workers and the right to adequate food and nutrition*, available online at: www.tni.org/files/download/women_agricultural_workers.pdf

³ WHO's recommendations on breastfeeding are mentioned at page 2 of this document, point a).

breastmilk is a renewable and accessible food for all children. Women provide it for their infants, contributing in an immense and yet to be fully calculated matter to national economies. Compared to formula feeding⁴, breastfeeding impacts households' budget in a minor way (the equivalent of an extra meal per day during lactation) and it provides irreplaceable health benefits for the mother and the child.

As a vast network of organizations worldwide, IBFAN has direct testimony of the high proportion of women living and working in rural areas that are not covered by the national legislation on maternity protection and do not fully or partially enjoy their rights related to maternity protection at work. For instance, in Francophone Africa this is the situation of the vast majority of women agricultural workers, as reported by national IBFAN groups in Burkina Faso, Gabon and Niger.⁵

What to recommend in case of exposure to pesticides? Addressing the concern that breastmilk could be contaminated in case of exposure to toxic chemicals, like pesticides, we reiterate IBFAN's position and key messages included in the 2013 statement on Infant and Young Child Feeding and Chemical Residues⁶:

- a. *Breastfeeding is the norm for feeding infants and young children; any other feeding mode is inferior. Early (within one hour from birth), exclusive (for six months) and then continued (with adequate and safe complementary foods) breastfeeding for two years and beyond, provides optimal, unique and perfectly balanced nutrition for a baby even in a contaminated environment.*⁷
- b. *Breastfeeding affords many irreplaceable positive health effects for both mother and child, economic advantages for families, communities, societies and health systems, and ecological advantages for the environment.*

⁴ For additional information on the impact of milk formula on the environment, see BPNI/IBFAN Asia (2015), *Report on carbon footprint due to milk formula. A study from selected countries of the Asia-Pacific Region*, available online at: <http://ibfan.org/docs/Carbon-Footprints-Due-to-Milk-Formula.pdf> ; BPNI/IBFAN Asia (2014) *Formula for Disaster: Weighing the Impact of Formula Feeding VS Breastfeeding on the Environment*, available online at: <http://ibfan.org/docs/FormulaForDisaster.pdf>

⁵ For more details, see WBTi assessment reports from Burkina Faso, Gabon and Niger at: <http://worldbreastfeedingtrends.org/country-report-wbti/>

⁶ Full statement available at: www.ibfan.org/IBFAN-Statement-on-IYCF.pdf

⁷ From IBFAN's 2013 statement: "[...] *Infant, follow-up and toddler formula, as well as all sorts of industrial baby foods, let alone industrial foods for older children and adults, can be contaminated, often at higher levels, by the same chemical residues found in breastmilk. Exposure to some of these substances can occur also through the polycarbonate plastic bottles and cups used to give these foods and drinks to infants and young children, or by their transfer to foods and beverages from feeding bottles, and the lining of tin cans and packages. Powdered infant formula can be intrinsically contaminated with bacteria. Reconstituted powdered infant formula can be contaminated by the same and different bacteria through incorrect preparation, handling and storage. To avoid damage caused by these sorts of contamination, it is important to follow thoroughly the WHO recommendations for the preparation of powdered infant formula. **Except in cases of industrial disasters and of exceedingly high levels of dangerous residues after industrial disasters, IBFAN emphasises the recommendation to protect, promote and support breastfeeding. This holds true even when there is evidence of the presence of chemical residues in breastmilk because the benefits of breastfeeding far outweigh any possible harm.** Furthermore, IBFAN recommends that the debate about the detection of chemical residues in breastmilk should not unduly influence a mother's decision to breastfeed. Future parents and carers of children should be informed of practical ways to reduce exposure to toxic chemicals. All of us should campaign to reduce the amount of chemicals in our environment and to counter the powerful lobby of the plastics and chemical industries.*" (points 7-10, emphasis added)

- c. *Pregnant women and breastfeeding mothers have the right to receive full and unbiased information. They should thus be alerted to the problems caused by chemical contaminants in their body fluids, and should fight, in alliance with breastfeeding support and environmental groups, for the reduction of chemical residues in food and the environment.*
- d. *All citizens should work to raise awareness of the dangers of environmental pollution, including that brought about by formula and bottle feeding and by the undue use of industrial baby foods, and should demand their governments to act in their best interest.*

The main international legal instruments relevant to the protection of the human rights of agricultural and food systems workers: In addition to the above-mentioned ILO instruments on maternity protection, we would like to stress the relevance of the **International Code of Marketing of Breast-milk Substitutes and subsequent relevant WHA Resolutions (the Code)**, as an instrument to limit aggressive marketing practices that harm the right to full and unbiased information on infant and young child feeding. Adopted in 1981 by the World Health Assembly, the Code constitutes the first international instrument aimed at regulating marketing practices of companies. As a consequence, for the agricultural workers' full enjoyment of their right to health and to adequate food and nutrition, governments have the obligation to protect their right to full and unbiased information on infant and young child feeding through effective implementation and enforcement of the Code at national level.

In the human rights protection arena, the importance to protect, promote and support breastfeeding has been constantly highlighted by the main HR Committees and by the UN Special Rapporteurs on the right to health and right to food⁸. IBFAN is grateful for the recognition that is given to breastfeeding and to the International Code in the human rights environment and hopes that, inspired by the principles reminded in this text, the UN Special Rapporteur on the right to food, Ms Hilal Elver, will acknowledge the relevance of this fundamental pillar of the right to food, not only for agricultural workers but for all of us.

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On behalf of IBFAN

⁸ Breastfeeding and the Code are mentioned in the following HR sources : Convention on the Rights of the Child, article 24.2; CRC General Comments No. 15 and No. 16; CESCR General Comments No. 12, No. 19 and No. 24; CEDAW General Recommendation No. 34 on rural women; OHCHR Technical Guidance on mortality of children under 5 years of age; UN Special Rapporteur on the Right to Food, final report 2014 and interim reports 2014 and 2016; UN Special Rapporteur on the Right to Health, report 2015; Joint statement by the UN Special Rapporteurs on the Right to Food, Right to Health, the Working Group on Discrimination against Women and the CRC Committee (2016) in support of increased efforts to promote, support and protect breastfeeding.