

Thank you Mr Chairperson,

I speak on behalf of the Geneva Infant Feeding Association and the International Baby Food Action Network, IBFAN.

Transparency and independence are two words that have been repeatedly mentioned during this Session. When talking about monitoring, these two criteria become fundamental, crucial, for any credibility and liability any monitoring mechanism may want to have.

The UN Guiding Principles have also been mentioned in a systematic manner by a few delegations, as an instrument that is sufficient to ensure enough safeguard against HR violations and abuses by TNCs and OBEs, allowing states complying with their obligations with regards to Human Rights. Unfortunately, we have all observed and experienced in our multiple areas of work, that continuous HR violations or abuses despite the many voluntary measures in place. These measures of self-regulation are not enough.

A clear example is provided by IBFAN's direct experience with the International Code of Marketing of Breastmilk Substitutes and subsequent relevant WHA Resolution, which I will refer to as the Code.

The Code was mentioned in this plenary by Professor Bilchitz as one of the key existing HR instruments that define clear obligations for TNCs and OBEs. Since its adoption, IBFAN has been monitoring Code compliance globally, in an independent and transparent manner, with no influence whatsoever from the commercial or corporate sector - in line with what's stipulated in the Code provisions and emphasized in two WHA Resolutions, and with the principle that no one should be the judge in his own cause.

Transparency is a clear pre-condition for any adequate democratic public scrutiny. Independence is key to ensuring credibility of the findings.

Over the decades of IBFAN's work, we have witnessed various corporate led or linked monitoring exercises. And there is a long list of marketing activities in violation of the Code which such non-independent monitoring mechanisms never revealed. I will give 3 examples:

1/ Indiscriminate advertising in developing countries with weak legal systems or weak law enforcement.

2/ Forging links with health professionals, offering incentives, prize schemes and research fundings.

3/ Insufficient warnings on product labels or labels not in local languages.

A new narrative used by baby food manufacturers and distributors consist of stating their support and compliance with the Code, through their own policies of Code implementation. Such voluntary policies, however, are full of inconsistencies and misrepresentations and are therefore much weaker when compared to Code provisions. Currently, the attempt they are doing is engaging directly in mechanisms of global Code monitoring - so to influence the process at the very source and be formally allowed to apply the Code less strictly. We, IBFAN and other organizations, are trying to stop this process.

And building on our direct experience, we call upon this Intergovernmental Working Group to pursue these transparency and independence that are so much-needed by all the victims of HR violations and abuses. The provision for transparent and independent monitoring should be clearly stipulated in the new Treaty and we look forward to the next Open-Ended Intergovernmental Working Group session in 2018, to keep working on the content of this binding instrument, based on the Treaty draft that will be provided after this third Session.