

**Kingdom of Cambodia
Nation Religion King**



**TERMS OF REFERENCE (TOR) FOR THE
OVERSIGHT BOARD, THE EXECUTIVE WORKING
GROUP FOR IMPLEMENTATION OF SUB-
DECREE 133 AND JOINT PRAKAS 061, AND THE
CONTROL COMMITTEE FOR THE CONTENT OF
MARKETING OF PRODUCTS FOR INFANT AND
YOUNG CHILD FEEDING**

December, 2015

TERMS OF REFERENCE (TOR) FOR THE OVERSIGHT BOARD, THE EXECUTIVE WORKING GROUP FOR IMPLEMENTATION OF SUB-DECREE 133 AND JOINT PRAKAS 061, AND THE CONTROL COMMITTEE FOR THE CONTENT OF MARKETING OF PRODUCTS FOR INFANT AND YOUNG CHILD FEEDING

Preface

Breastfeeding is the optimal choice for safe and healthy feeding of infants and young children. Breastfeeding offers many benefits to infants and young children, as well as the mother. Breastfeeding can help with the intellectual, spiritual, and physical development of the child, while immediate breastfeeding within the first hour after birth can help the mother with delivery of the placenta and prevention of postpartum hemorrhage.

The efforts by the Royal Government of Cambodia have had great success in promoting breastfeeding between 2000 and 2010. Exclusive breastfeeding rates among children in the first 0-6 months of life increased from 11% in 2000 to 74% in 2010 (CDHS 2000 and 2010). During this period, in 2005, the Sub-Decree 133 on the marketing of products for infant and young child feeding was adopted and implemented.

The preliminary results of the most recent Cambodia Demographic and Health Survey (2014), however, show that the national exclusive breastfeeding rate among infants (0-6 months) has fallen from 74% in 2010 to 65% in 2014. Many factors could explain the drop in exclusive breastfeeding, including an increase in the advertisement of breast-milk substitute products, which spreads misleading information about the benefits of breast-milk substitutes in comparison to breastfeeding.

In response to the current situation, the Ministry of Health and other line ministries are focusing their attention on mapping out necessary measures and activities to protect and promote breastfeeding. One key priority is to create and edit regulatory laws, policies, and strategic plans. Roles and responsibilities for the Oversight Board, the Executive Working Group for Implementation of Sub-Decree 133, and for the Control Committee for the Marketing of Products for Infant and Young Child Feeding have been established to enforce Sub-Decree 133. This document will help ensure that companies marketing products for infants and young children will not use inappropriate and fraudulent information in their advertisements, which could confuse parents and other caregivers.

On behalf of the Ministry of Health, I hope and believe that the roles and responsibilities as stated in the Terms of Reference will contribute to the provision of safe and healthy feeding practices for infants and young children through the protection and promotion of breastfeeding in the Kingdom of Cambodia.

Phnom Penh, 201

MINISTER OF HEALTH

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1. Background

Cambodia's infant and young child feeding policy and recommendations are aligned with the WHO/UNICEF Global Strategy for Infant and Young Child Feeding: initiation of breastfeeding within the first hour of life; exclusive breastfeeding for the first six months of life; and, providing appropriate, adequate, and safe complementary foods starting at six months of age while continuing breastfeeding until two years of age and beyond.¹

In line with the efforts to implement the International Code of Marketing of Breast-milk Substitutes, Cambodia passed Sub-Decree 133 in 2005 with the aim of regulating the marketing of products for infant and young child feeding, and in 2007 issued the Joint Prakas 061 to give guidance on implementation of Sub-Decree 133. Since then, major successes in the improvements of breastfeeding practices have been recorded. The proportion of infants who initiated breastfeeding within the first hour of life increased from 35.1% (2000) to 66.8% (2010). At the same time, a significant increase was noted in the proportion of infants exclusively breastfed during the first six months of life from 11.7% (2000) to 73.5% (2010); however, the proportion of children still breastfeeding at 12-15 months and 20-23 months decreased from 89.9% (2005) to 83.3% (2010) and 54.3% (2005) to 43.4% (2010), respectively. In 2010, bottle feeding had increased to 14.3% for infants less than 6 months of age and reached more than 30% for infants less than 12 months of age. At the same time, the use of breast-milk substitutes among children aged 6 to less than 24 months increased from 4.8% (2000) to 9.3% (2010). It is also alarming to note that 1 in 3 women delivering in a private clinic gave their newborn a breast-milk substitute.

Research conducted by Hellen Keller International on the marketing of breast-milk substitutes (BMS) in Phnom Penh in 2014 found that there were at least 113 different breast-milk substitutes available on the market and none fully complied with the requirements set by Sub-Decree 133. The same study found that 43% of mothers with children 0-5 months of age and 40% of mothers with children 6-11 months of age living in Phnom Penh reported that their child consumed a breast-milk substitute in the day prior to the interview. When asked, 86% of mothers in Phnom Penh reported seeing a promotion of a breast-milk substitute via media or other sources, most commonly television and in-store promotions.² The preliminary results of the 2014 Cambodia Demographic and Health Survey reveal a worrisome scenario. Exclusive breastfeeding during the first six months of life declined to 65% (from 73.5% of 2010) and 20% of children did not breastfeed anymore at the age of 1 year.

The widespread marketing of breast-milk substitutes, their increased availability, and the seeming non-compliance with the standards and requirements set by Sub-Decree 133, calls for an urgent commitment from all stakeholders to step up efforts to ensure the effective implementation, monitoring, and enforcement of Sub-Decree 133.

¹ National Policy on Infant and Young Child Feeding, Cambodia, October 2008

² Hellen Keller International. Assessment of Promotion of Foods Consumed by Infants and Young Children in Phnom Penh: Assessment and Research on Child Feeding (ARCH) – Cambodia Country Report, 2014

2. Objective

The main objective is to define the composition, roles, and responsibilities of the Oversight Board, the Executive Working Group for Implementation of Sub-Decree 133, and the Control Committee for the Content of Marketing of Products for Infant and Young Child Feeding.

3. Scope

The scope of the Terms of Reference is to give effect to the articles and recommendations of Sub-Decree 133 and Joint Prakas 061, particularly, but not limited to, Articles 5, 13, 14, 15, 16, and 17 of Sub-Decree 133, and Articles 2, 3,4, 5, 6, and 7 of Joint Prakas 061.

4. The Oversight Board

- 4.1. In line with Article 17 of Sub-Decree 133 and Article 7 of Joint Prakas 061, an Oversight Board (OVERSIGHT BOARD) shall be established.
- 4.2. The Oversight Board shall be composed of by the following members (based on the Decision of MoH-N^o031, dated on 13 August 2014):

| | | | |
|---|--|------------|---|
| 1 | Secretary of State for the Ministry of Health | Chair | 1 |
| 2 | Secretary of State for the Ministry of Health | Vice-Chair | 1 |
| 3 | Secretary of State for the Ministry of Commerce | Member | 1 |
| 4 | Secretary of State for the Ministry of Industry and Handicraft | Member | 1 |
| 5 | Secretary of State for the Ministry of Information | Member | 1 |
| 6 | Director of the Department of Drugs, Food, and Cosmetics | Secretary | 1 |

- 4.3. The Oversight Board shall have two executing arms: 1) the Control Committee; and, 2) an Executive Working Group for monitoring compliance and ensuring enforcement.
- 4.4. The Oversight Board may invite members of the Control Committee, members of the Executive Working Group, national or international technical advisors and experts, especially those in the area of infant and young child nutrition, staff of the Legislation department of the MoH, and others as necessary, in order to assist in its work.
- 4.5. Every member (permanent and/or ad-hoc) will be asked to complete and sign a Declaration of No Conflict of Interest (see Annex 1).
- 4.6. The Oversight Board shall have the following roles and responsibilities:
 - 4.6.1. Conduct quarterly meetings to review activities, progress, and challenges, and agree on appropriate solutions and actions to be taken; to implement tasks and other responsibilities as specified in Joint Prakas 061;

- 4.6.2. To receive, review, and approve progress reports on the implementation of Sub-Decree 133 from the Control Committee and the Executive Working Group;
- 4.6.3. Review and approve guidelines, procedures, and tools developed by the Control Committee and the Executing Working Group;
- 4.6.4. Assess and discuss concerns related to the roles and responsibilities of each line ministry involved in the implementation of Sub-Decree 133 and Joint Prakas 061;
- 4.6.5. Resolve any issues, problems, or concerns raised by the Control Committee and the Executive Working Group;
- 4.6.6. To conduct an annual review of the progress made in relation to the implementation of Sub-Decree 133 and Joint Prakas 061 with all relevant stakeholders;
- 4.6.7. To seek assistance and support from the Government, partners, and donors to support the operations and activities related to the implementation, monitoring, and enforcement of Sub-Decree 133; and,
- 4.6.8. Ensure application and enforcement of fines and penalties for those found in violation of Sub-Decree 133 and Joint Prakas 061, in accordance with Article 18 of Sub-Decree 133.
- 4.7. The Oversight Board will submit quarterly reports on the status, progress of implementation, and recommendations to the office of the Minister of Health and the Council for Rural Development (CARD).
- 4.8. The Oversight Board shall present regular updates on the status of implementation of Sub-Decree 133 and Joint Prakas 061 to the Minister of Health, CARD, and/or the Prime Minister's office.
- 4.9. The Oversight Board will conduct its meetings within the compound of the Ministry of Health.
- 4.10. If and when necessary, the Chair, or the Vice-Chair in his behalf, may call for a special meeting of the Oversight Board.
- 4.11. In the absence of the Chair, the Vice-Chair will performs his roles and responsibilities.

5. The Executive Working Group for Implementation of Sub-Decree 133

- 5.1. A working group called the Executive Working Group for Implementation of Sub-Decree 133 (EXECUTIVE WORKING GROUP) shall be established to be the technical arm and an entity of the Oversight Board in the implementation of Sub-Decree 133, Joint Prakas 061, the Oversight Board's decisions, and other applicable laws and regulations.

5.2. The composition of the Executive Working Group shall be as follows:

| | | | |
|----|--|------------|---|
| 1 | Secretary of State of the Ministry of Health | Chair | 1 |
| 2 | Director General for Health | Vice-Chair | 1 |
| 3 | Director of the Department of Drugs, Food, and Cosmetics | Vice-Chair | 1 |
| 4 | Director of the National Maternal and Child Health Center (NMCHC) | Vice-Chair | 1 |
| 5 | Representative of the Ministry of Commerce (CAMCONTROL) | Vice-Chair | 1 |
| 6 | Representative of the Ministry of Industry and Handicraft | Member | 1 |
| 7 | Representative of the Ministry of Information | Member | 1 |
| 8 | Representative of the Department of Hospital Service | Member | 1 |
| 9 | Representative of the Department of Legislation | Member | 1 |
| 10 | Representative of the Food Safety Bureau | Member | 2 |
| 11 | Representative of the National Nutrition Programme | Member | 2 |
| 12 | Representative of the Department of Drugs, Food, and Cosmetics (Food Safety Bureau) | Secretary | 1 |
| 13 | Representative of the National Maternal and Child Health Center (National Nutrition Programme) | Secretary | 1 |

5.3. The Executive Working Group may invite relevant officers from other agencies, committees, and technical working groups, as well as national or international technical advisors and experts (UN agencies, development partners), especially those in the areas of infant and young child nutrition and legal affairs, as necessary in order to assist in its work.

5.4. Every member (permanent and/or ad-hoc) will be asked to complete and sign a Declaration of No Conflict of Interest (see Annex 1).

5.5. The members of the Executive Working Group shall have the following roles and responsibilities:

5.5.1. Conduct monthly meetings to review reported violations, review results of monitoring activities, address issues and concerns with the roles and responsibilities of each line ministries, discuss challenges, and agree on appropriate solutions;

5.5.2. The Executive Working Group may invite representatives from relevant UN agencies and NGOs to attend any meeting if necessary;

- 5.5.3. Monitor the implementation of Sub-Decree 133 and Joint Prakas 061 in line with the monitoring guidelines and according to the roles and responsibilities of each line ministry as indicated by Sub-Decree 133, Joint Prakas 061, and the monitoring guidelines;
- 5.5.4. Verify that labeling and packaging of products covered by Sub-Decree 133 (imported and locally manufactured) are approved by the Control Committee and fully comply with the approval, standards, and recommendations of Sub-Decree 133 and Joint Prakas 061;
- 5.5.5. Review and investigate all reported violations of Sub-Decree 133 and Joint Prakas 061, and request actions to the relevant line ministry;
- 5.5.6. To receive/review reports of assessments and external evaluations sent directly by international organizations, NGOs, health workers, and others regarding the processing of reports of alleged violations;
- 5.5.7. Prepare and submit progress reports and updates for the regular meeting of the Oversight Board every quarter or upon request;
- 5.5.8. Every month, share a list of reported violations processed, actions taken, and other relevant monitoring findings with the Control Committee;
- 5.5.9. Draft policies and propose legislation, amendments, regulations, procedures, monitoring tools, and protocols related to the implementation of Sub-Decree 133 and Joint Prakas 061, for approval by the Oversight Board;
- 5.5.10. Propose to the Oversight Board the roles and responsibilities of departments, provincial/capital health departments, and programs and related centers under the Ministry of Commerce, Ministry of Health, Ministry of Industry and Handicraft, and the Ministry of Information;
- 5.5.11. Provide technical assistance to the Ministry of Health, Ministry of Commerce, Ministry of Industry and Handicraft, and the Ministry of Information in developing their related guidelines;
- 5.5.12. Provide technical assistance to sub-national level agencies (provincial) in relation to the monitoring and enforcement of activities on Sub-Decree 133;
- 5.5.13. With the cooperation of the Control Committee, build and strengthen the capacity of assigned officers, inspectors, monitors, and all relevant line ministries;
- 5.5.14. Support capacity building on Sub-Decree 133 for all relevant officers of the different line ministries, health workers (national and sub-national), NGOs, and other interested groups;
- 5.5.15. Develop an annual operation plan to guide the activities and operations of the group;

- 5.5.16. Organize workshops and similar forums at least once a year with the Government and partner agencies, to present progress on the implementation of Sub-Decree 133 and Joint Prakas 061;
 - 5.5.17. Define and update, as necessary, the list of similar products that should be covered by Sub-Decree 133, considering evidence-based international guidance and recommendations;
 - 5.5.18. Collaborate and coordinate with the Council of Agriculture and Rural Development (CARD) and other relevant committees and groups to encourage the relevant line ministries to fulfill their roles and responsibilities related to the implementation of Sub-Decree 133 and Joint Prakas 061;
 - 5.5.19. Seek assistance and support from the Government, partners, and donors to support the operations and activities related to the implementation, monitoring, and enforcement of Sub-Decree 133; and,
 - 5.5.20. Fulfill other duties that the Oversight Board deems necessary for the implementation of Sub-Decree 133 and Joint Prakas 061, and carry out the decisions of the Oversight Board and other applicable laws and regulations.
- 5.6. If necessary, in case of urgent matters to be resolved, the Chair may call for a special meeting of the Executive Working Group.

6. The Control Committee for the Content of Marketing of Products for Infant and Young Child Feeding of the Ministry of Health

- 6.1. In line with Articles 13, 14, 15, and 16 of Sub-Decree 133, all activities and materials related to advertising, promotions, donations, sponsorships, and other actions require the approval of the Ministry of Health.
- 6.2. The Ministry of Health created a Control Committee for the Content of Marketing of Products for Infant and Young Child Feeding (CONTROL COMMITTEE) for the review, screening, and approval of the content of advertising, promotional materials, and requests related to activities covered by Sub-Decree 133 and Joint Prakas 061.
- 6.3. The Control Committee is composed of by the following members:

| | | | |
|---|---|------------|---|
| 1 | Secretary of State of the Ministry of Health | Chair | 1 |
| 2 | Under-Secretary of State of the Ministry of Health | Vice-Chair | 1 |
| 3 | Director General for Health of the Ministry of Health | Vice-Chair | 1 |
| 4 | Director of the Department of Drugs, Food, and Cosmetics (DDF) | Vice-Chair | 1 |
| 5 | Director of the National Maternal and Child Health Center (NMCHC) | Vice-Chair | 1 |

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|----|---|-----------|---|
| 6 | Director of the Department of Legislation | Member | 1 |
| 7 | Manager of the National Nutrition Programme of NMCHC | Member | 1 |
| 8 | Vice-Manager of the National Nutrition Programme of NMCHC | Member | 1 |
| 9 | Vice-Chief of the Bureau of Food Safety of DDF (In charge of Sub-decree 133) | Member | 1 |
| 10 | Chief of the Bureau of Food Safety of DDF | Secretary | 1 |

- 6.4. The Control Committee may invite relevant officers from the other line Ministries involved in the implementation, monitoring, and enforcement of Sub-decree 133 and Joint Prakas 061 to participate in the regular meetings, as need arises.
- 6.5. The Control Committee may invite national or international technical advisors and experts, especially those in the areas of infant and young child nutrition, legal affairs, and communications, as necessary in order to assist in its work.
- 6.6. Every member (permanent and/or ad-hoc) will be asked to complete and sign a Declaration of No Conflict of Interest (see Annex 1).
- 6.7. The Control Committee shall meet at least once every month.
- 6.8. The Control Committee shall have the following roles and responsibilities:
- 6.8.1. On a monthly basis, review the applications for advertisements, promotional activities, and requests for other related activities as submitted by the Secretariat of the Control Committee;
 - 6.8.2. Approve or disapprove the applications for labeling of all products covered by Sub-Decree 133 according to the procedures and standards set by the Control Committee;
 - 6.8.3. Provide the final decision (approval or disapproval) to the Secretariat for prompt communication to the applicant;
 - 6.8.4. Draft policies, procedures, and protocols related to the application for advertising, promotion, and support of other related activities covered by Sub-Decree 133 and Joint Prakas 061, for the approval of the Oversight Board;
 - 6.8.5. Ensure dissemination of the approved policies, procedures, and protocols to the concerned agencies, companies, and the public using the available official communication channels;
 - 6.8.6. Seek assistance and support from the Government, partners, and donors to support the operations and activities related to the implementation, monitoring, and enforcement of Sub-Decree 133;
 - 6.8.7. Every three (3) months, submit progress reports to the Oversight Board on the work done by the Control Committee, a list of approved or disapproved

- applications, and issues and concerns related to the work and operations of the Control Committee;
- 6.8.8. Every month, share a list of the applications processed and the final decisions made with the Executive Working Group;
 - 6.8.9. Cooperate with the Executive Working Group in the support of capacity building activities, and the provision of technical expertise and advice to the Government and non-governmental organizations; and,
 - 6.8.10. Fulfill other duties that the Oversight Board deems necessary for the implementation of Sub-Decree 133 and Joint Prakas 061, and carry out the decisions of the Oversight Board and other applicable laws and regulations.
- 6.9. If necessary, in case of urgent matters to be resolved, the Chair may call for a special meeting of the Control Committee.

7. Secretariat of the Control Committee

The Secretariat of the Control Committee shall have the following roles and responsibilities:

- 7.1. Responsible for the applications for advertising, promotions, and other related activities covered by Sub-Decree 133;
- 7.2. Receives the application forms and the copies of the proposed advertising, promotional materials, and requests for activities covered by Sub-Decree 133;
- 7.3. Reviews the completeness of the applications and supportive materials, in line with the existing procedures of the Control Committee;
- 7.4. Rejects or returns incomplete applications in line with the procedures of the Control Committee;
- 7.5. Submits the applications and supportive materials to the Control Committee; and,
- 7.6. Receives the decisions of the Control Committee and communicates the decisions to the applicants.

8. Secretariat of the Executive Working Group

- 8.1. The Secretariat of the Executive Working Group shall be established and composed of the following members:

| | | |
|--|-----------|---|
| Representative of the Department of Drugs, Food, and Cosmetics (Food Safety Bureau) | Secretary | 1 |
| Representative of the National Maternal and Child Health Center (National Nutrition Programme) | Secretary | 1 |

- 8.2. Both secretaries shall be located at the Secretariat within the Department of Drugs, Food, and Cosmetics with the participation of the National Maternal and Child Health Center.
- 8.3. Both secretaries shall meet together at least two times a month. They will decide if more meetings are necessary depending on the number of applications received, the number of reports of violations received, or if urgent matters arise.
- 8.4. Both secretaries of the Executive Working Group shall have the following roles and responsibilities:
 - 8.4.1. Receive reports of alleged violations, with supportive documentation and evidence;
 - 8.4.2. Inform relevant ministries to investigate reported alleged violations and complaints made by other government agencies, the public, health staff, international organizations, and NGOs;
 - 8.4.3. Conduct inspections of points of sale, health facilities, and public places, to detect and prevent violations, and to take appropriate measures if alleged violations of Sub-Decree 133 and Joint Prakas 061 are noted;
 - 8.4.4. Collect, compile, and report complaints of alleged violations and the necessary evidence;
 - 8.4.5. Submit the results of the investigations and the recommended actions to the Executive Working Group for its approval;
 - 8.4.6. Provide feedback with the findings of the investigation and/or actions taken to those that filed the complaint;
 - 8.4.7. Prepare the agenda and notify all the members of the Executive Working Group of the scheduled activities and meetings;
 - 8.4.8. Prepare all the necessary reports and information to be shared with the Oversight Board; and,
 - 8.4.9. Provide any other administrative and technical reports as required by the Control Committee.

9. Conclusion

The members of the Oversight Board, the Control Committee, and the Executive Working Group shall be responsible for the effective implementation, monitoring, and enforcement of Sub-Decree 133 and Joint Prakas 061, according to their respective responsibilities as stated in the Terms of Reference above.

Annex 1:

Declaration of No Conflicts of Interest

This declaration of financial and other personal interests will be submitted annually by the members and observers (permanent and/or ad-hoc) of the 1) Oversight Board, 2) Control Committee for the Content of Marketing of Products for Infant and Young Child Feeding, 3) Executive Working Group, and 4) the Secretariats.

The declaration must be forwarded on completion to the Chair of the Oversight Board.

Full Name: _____
Position Title: _____
Ministry/Agency: _____
Department/Section/Unit: _____

The undersigned declares that:

I understand that the Oversight Board has a strict policy on the engagement with manufacturers, distributors, promoters, and advertisers of products covered by Sub-Decree 133 and Joint-Prakas 061.

I hereby declare on my honor that the following is true and complete to the best of my knowledge:

1. Whether paid or not, not to represent, consult for, or conduct research for the manufacturers, distributors, promoters, advertisers, and other groups related to the products covered by Sub-Decree 133;
2. Not to receive funding, support, services, or other incentives and inducements from manufacturers, distributors, promoters, advertisers, and other groups related to the products covered by Sub-Decree 133;
3. Not to enter into any agreement, or create any relationship, with the groups listed under No. 2 of this declaration;
4. At any time, not to partially or fully share or disclose any information pertaining to the affairs and work of the Oversight Board, the Executive Working Group for Implementation of the Sub-Decree 133, the Control Committee for the Content of Marketing of Products for Infant and Young Child Feeding, and the Secretariats, without the prior approval of the Chairs of the Oversight Board/Executive Working Group/Control Committee.

Phnom Penh,.....,201.....

Signature

Annex 2:

Organizational Structure for the Implementation, Monitoring, and Enforcement of Sub-Decree 133 and Joint Prakas 061



