

**Contributions for Brazil's Review for the United Nations Committee on the Rights of the Child**  
**COMMITTEE ON THE RIGHTS OF THE CHILD (CRC)**  
**99<sup>th</sup> pre-session**  
**September 16 – September 20, 2024**

ACT Promoção da Saúde (ACT Health Promotion) is a non-governmental organization which was founded in Brazil in 2006 and advocates for public health policies aimed at tobacco and alcohol control and the promotion of adequate and healthy foods, also supporting initiatives to promote physical activity.

To assist the Committee in its review of Brazil's compliance with the obligations assumed under the Convention on the Rights of the Child, ACT Promoção da Saúde brings to attention relevant issues concerning the health of children and adolescents in Brazil, particularly regarding tobacco and alcohol control policies, and the promotion of adequate foods.

It is a well known fact that tobacco use, alcohol consumption, and the intake of ultra-processed foods are risk factors for the major non-communicable diseases (cardiovascular and chronic respiratory diseases, diabetes, and cancer), which account for over 70% of deaths in Brazil and worldwide<sup>1</sup>.

A study conducted in Brazil found that 81.3% of Brazilian adolescents exhibit two or more behavioral risk factors for non-communicable diseases (NCDs) .<sup>2</sup>

The Convention on the Rights of the Child stipulates that States Parties recognize the right of the child to the highest attainable standard of health through measures to combat disease and promote nutritious food (Article 24). It also requires States Parties to take all appropriate measures to protect children from the use of harmful substances (Article 33), which includes preventing access to tobacco.

Brazil's review by the Committee on the Rights of the Child presents a crucial opportunity to underscore the importance of policies for controlling tobacco, alcohol consumption, and ultra-processed foods, as well as to scrutinize the actions being implemented to protect children in these areas.

<sup>1</sup> Available at: [Noncommunicable diseases \(who.int\)](https://www.who.int/news-room/fact-sheets/detail/noncommunicable-diseases). Accessed on 25/10/2022

<sup>2</sup> <https://www.enf.ufmg.br/index.php/noticias/3138-81-dos-adolescentes-brasileiros-possuem-dois-ou-mais-fatores-de-risco-para-saude-aponta-estudo-da-ufmg>

## 1. On Tobacco Use and the Rights of Children and Adolescents in Brazil: Necessary Measures to Comply with Article 33 of the Convention on the Rights of the Child

Brazil has a successful history in reducing smoking prevalence, with the percentage of smokers in the population decreasing from 14.9% in 2013 to 12.8% in 2019<sup>3</sup>. Nevertheless, tobacco-related diseases in Brazil still cause 477 deaths per day, equivalent to 173,935 deaths per year<sup>4</sup>. Smoking is a disease that also affects non-smokers who are exposed to secondhand smoke, with children being the most affected.<sup>5</sup>

The reduction in smoking rates in the country is attributed to the adoption of strict policies regulating the sale, use, and marketing of tobacco products. However, the non-compliance with laws aimed at preventing the initiation of smoking remains a significant challenge in Brazil.

Recent data among young people indicate that 6.8% of students aged 13 to 17 are still smokers<sup>6</sup>. A research also revealed that approximately 9 out of 10 adolescent smokers were able to purchase cigarettes, with 70% making single cigarette purchases at authorized commercial establishments<sup>7</sup>. These are concerning figures, given that, according to the WHO, smoking is a pediatric disease, with most smokers becoming addicted by the age of 19.

In 2012, Brazil became the first country in the world to ban the sale of all tobacco products containing additives that alter flavors and aromas, making them more attractive and palatable, and facilitating the initiation of consumption. The ban was enacted through a resolution by the country's health regulatory agency (ANVISA), based on scientific criteria and with extensive public consultation. However, the implementation of this ban was halted by legal actions from the tobacco industry, including at the constitutional court level.

Tobacco products with additives and electronic cigarettes particularly attract adolescents, young adults, and light smokers. Between 2012 and 2023, 1,112 new products with additives,

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<sup>3</sup>[Tobacco use among adults - INCA](#)

<sup>4</sup>Pinto M., Bardach A., Costa M.G.d., Simões e Senna K.M., Barros L.B., Moraes A.C.d., Cairolí F.R., Augustovski F., Alcaraz A., Palacios A., Casarini A., Pichon-Riviere A. Carga da doença e econômica atribuível ao tabagismo no Brasil e potencial impacto do aumento de preços por meio de impostos. Instituto de Efectividad Clínica y Sanitaria, Buenos Aires, Argentina. Maio de 2024. Available at: [tabaco.iecs.org.ar](http://tabaco.iecs.org.ar)

<sup>5</sup>[Tobacco use - INCA](#)

<sup>6</sup> Instituto Brasileiro de Geografia e Estatística. PeNSE - Pesquisa Nacional de Saúde do Escolar. <https://www.ibge.gov.br/estatisticas/sociais/saude/9134-pesquisa-nacional-de-saude-do-escolar.html?=&t=resultados>.

<sup>7</sup> [SciELO - Brasil - Lei, para que te quero? Dados comparativos da <i>Pesquisa Nacional de Saúde do Escolar</i> \(PeNSE\) sobre acesso a cigarros por adolescentes Lei, para que te quero? Dados comparativos da <i>Pesquisa Nacional de Saúde do Escolar</i> \(PeNSE\) sobre acesso a cigarros por adolescentes](#)

prohibited by ANVISA's 2012 resolution, were registered<sup>8</sup>. The spread of these products began in 2014, with a significant increase in use among adolescents and young adults from 2015 to 2019. Among tobacco-derived products, the use of electronic cigarettes has gained prominence, especially among young people, with a current prevalence of 0.64% (1 million people), 70% of whom were aged 15 to 24 in 2019<sup>9</sup>. Despite the sales ban in Brazil since 2009, these products are still found in the Brazilian market and have attracted young people who were not even cigarette smokers.

The data on youth smoking, along with the growth in the promotion of electronic cigarettes, underscores the urgency of effective measures to protect children and young people in Brazil and demands that the Brazilian State take **effective measures to enforce the ban on the use of additives in tobacco products, as well as the ban on the commercialization, importation, and advertising of electronic cigarettes and similar products.**

Therefore, it is suggested that the Committee inquire the Brazilian State:

**What measures are being taken, including within the Judiciary, to effectively enforce tobacco control policies, particularly those aimed at preventing children and adolescents from becoming new smokers?**

## **2. On Adequate and Healthy Nutrition and the Rights of Children and Adolescents in Brazil: Necessary Measures to Comply with Article 24 of the Convention on the Rights of the Child**

In Brazil, the consumption of ultra-processed foods has systematically increased over the years, to the detriment of fresh or minimally processed foods<sup>10</sup>. According to data from the 2019 National Survey of Food and Nutrition in Children, eight out of ten Brazilian children under the age of five were already consuming ultra-processed foods, such as cookies, instant flours, soft drinks, and sugary beverages<sup>11</sup>. The study revealed that this practice is common even among babies under two years old, leading to lifelong consequences such as obesity, diabetes, and cardiovascular problems.

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<sup>8</sup> Szklo AS, Carvalho A, Coutinho Marques de Pinho M, et al. *Tob Control* Epub ahead of print: [please include Day Month Year]. doi:10.1136/tc-2024-058690

<sup>9</sup> PNS – Pesquisa Nacional de Saúde (fiocruz.br)

<sup>10</sup> Instituto Brasileiro de Geografia e Estatística. Pesquisa de Orçamentos Familiares 2017-2018: avaliação nutricional da disponibilidade domiciliar de alimentos no Brasil. Rio de Janeiro: Instituto Brasileiro de Geografia e Estatística; 2020.

<sup>11</sup> Available at <https://enani.nutricao.ufrj.br/>

Studies have accumulated scientific evidence on the harmful effects of consuming ultra-processed foods on the lipid profile of children and adolescents<sup>12</sup>. A large study conducted in the country revealed that the obesity rate among children born between 2007 and 2014 is 13.8% among boys and 11.2% among girls<sup>13</sup>.

In Brazil, the growing obesity and overweight rates among children have been exacerbated by targeted advertising campaigns promoting ultra-processed foods, despite the prohibitions established by national legislations such as the Consumer Protection Code (CDC) and the Statute of the Child and Adolescent (ECA).

Recent studies indicate that 90% of food advertisements on Brazilian television and social media are for ultra-processed products, using persuasive strategies that negatively influence children's eating patterns<sup>14</sup>. In 2015, this Committee expressed concern about the advertising of unhealthy foods and recommended that Brazil establish a regulatory framework for advertising, protecting children from misleading advertisements.

A regulation was created by the country's health regulatory agency (ANVISA), based on scientific criteria and with extensive public consultation, requiring the inclusion of warnings in ultra-processed food advertisements to clearly expose the health risks associated with excessive consumption of sugar, trans fats, sodium, and sugary drinks. However, its implementation was halted by legal actions, including at the constitutional court level.

The persistence of widespread and unrestricted advertising of these products, despite existing regulations, indicates an enforcement gap that urgently needs to be addressed.

Therefore, it is suggested that the Committee inquire the Brazilian State:

**What measures are being taken, both within the judiciary and the executive branches, to effectively enforce policies restricting the advertising of ultra-processed foods, especially those targeting children and adolescents?**

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<sup>12</sup> BESERRA, Jéssica Batista et al. Crianças e adolescentes que consomem alimentos ultraprocessados possuem pior perfil lipídico? Uma revisão sistemática. *Ciência & Saúde Coletiva*, v. 25, p. 4979-4989, 2020.

<sup>13</sup> SANTIAGO-VIEIRA, Carolina et al. Recent changes in growth trajectories: a population-based cohort study of over 5 million Brazilian children born between 2001 and 2014. *The Lancet Regional Health—Americas*, v. 32, 2024.

<sup>14</sup> [Alimentando Políticas - Publicidade de Alimentos \(alimentandopoliticas.org.br\)](https://alimentandopoliticas.org.br)

### 3. On Alcohol Consumption and the Rights of Children and Adolescents in Brazil: Necessary Measures to Comply with Article 24 of the Convention on the Rights of the Child.

Alcohol is a psychoactive substance, a carcinogen, and a cause of dependency, associated with numerous health and societal risks. It is linked to over two hundred health problems, including mental or psychological issues, depression, and suicide<sup>15</sup>.

In Brazil, considering diseases, traffic accidents, violence, and self-harm, alcohol caused 75,000 deaths in 2019, accounting for 5.5% of the total deaths<sup>16</sup> in the country.

Moreover, the consumption of alcoholic beverages among children and adolescents is a growing concern. Data reveals that 34.6% of adolescents aged 13 to 17 had their first alcoholic drink before the age of 14, and 28.1% reported consuming alcoholic beverages in the 30 days preceding the survey<sup>17</sup>.

Beer is the most consumed alcoholic beverage in the country<sup>18</sup>, and its availability contributes to the normalization of early consumption, particularly among children and young people.

The Federal Constitution establishes that there should be restrictions on the advertising of alcoholic beverages, but the legislation, besides only restricting the time of advertising, does not include beer in any marketing restrictions. Alcohol marketing, especially beer, ends up freely aired in television and radio programs, as well as on social media and at events/places frequented by adolescents. Most times, it is aimed at young people, using persuasive strategies that associate alcohol consumption with fun and carefree lifestyles and experiences.

In 2022, the UN issued a global alert emphasizing the need for greater regulation of alcohol marketing, noting that young people are the primary targets of alcohol advertising campaigns.<sup>19</sup>

In 2015, this Committee on the Rights of the Child recommended that Brazil implement effective policies to raise public awareness of the dangers of psychoactive substances use, with a special focus on children, parents, and educators. However, despite these

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<sup>15</sup> Factsheet álcool (actbr.org.br)

<sup>16</sup> [FACT-SHEET-POR-UMA-REFORMA-TRIBUTARIA-A-FAVOR-DA-SAUDE-JUNHO-2024\(2\).pdf](https://actbr.org.br/FACT-SHEET-POR-UMA-REFORMA-TRIBUTARIA-A-FAVOR-DA-SAUDE-JUNHO-2024(2).pdf) (actbr.org.br)

<sup>17</sup> Instituto Brasileiro de Geografia e Estatística. PeNSE - Pesquisa Nacional de Saúde do Escolar. <https://www.ibge.gov.br/estatisticas/sociais/saude/9134-pesquisa-nacional-de-saude-do-escolar.html?=&t=resultados>

<sup>18</sup> [2023\\_CDS\\_273.pdf](https://bnb.gov.br/2023_CDS_273.pdf) (bnb.gov.br)

<sup>19</sup> <https://brasil.un.org/pt-br/181583-oms-destaca-lacunas-gritantes-na-regulamenta%C3%A7%C3%A3o-do-marketing-de-%C3%A1lcool>

recommendations, the implementation of such policies has been limited, and the enforcement of laws prohibiting the sale of alcohol to minors remains insufficient.

Therefore, it is suggested that the Committee inquire the Brazilian State:

**What measures are being taken, both within the Legislative and Executive branches, to restrict the marketing of alcoholic beverages for the protection of children and adolescents, and regarding the enforcement of laws on the sale and advertising of alcohol, including on digital platforms?**

ACT Promoção da Saúde appreciates the opportunity to contribute during Brazil's review by the United Nations Committee on the Rights of the Child and remains available to provide further information.

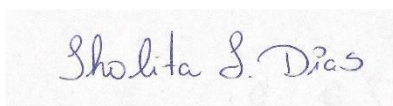
Sincerely,



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