

PARALLEL REPORT TO THE 64<sup>th</sup> SESSION OF THE COMMITTEE ON ECONOMIC,  
SOCIAL, AND CULTURAL RIGHTS  
(24 Sep.-12 Oct. 2018)

**I. Introduction**

We hereby respectfully submit a shadow report to focus on the State's obligations to protect people's health under its human rights obligations. We set forth areas of the greatest concern with respect to Argentina's efforts to combat the threat that tobacco, obesity and overweight epidemic pose for Argentinean population.

**II. Obesity in Argentina**

**57.9% of Argentinians carried excess weight. 37.1% of the population carrying excessive weight are classified as "overweight" and 20.8% are obese. 50.1% of the population carrying excess weight is composed of women. Besides, in the last five years, overweight adolescents from 13 to 15 years of age increased from 24.5% to 28.6%. Obesity rates in this age group increased from 4.4% to 5.9%.**

**A. Marketing Regulations**

Children under 12 are exposed to over 60 advertisements for products with low nutritional value, even when primarily viewing programs or channels directed towards them. The increases in prevalence for obesity and overweight suggest that unhealthy consumer habits remain in Argentina and the current framework is inadequate to both meet public health goals as well as Argentina's duties under the Covenant.

**B. Food Labeling**

In Argentina, the estimated added sugar consumption is about triple of the recommended amount (close to 35 teaspoons per day), but the declaration of sugars in the nutritional label according to the Argentine Food Code is not obligatory, with the consequent disinformation of the consumers about the origin and the quantity of sugars contained in foods and drinks.

**C. Soda's Taxes**

Argentina is the world's largest consumer of soft drinks, with 137 liters per capita per year. However, the internal taxes law establishes that all concentrates for soda preparation, syrup juices and the sodas, have only an internal tax of 8%.

**D. School Environment**

60% of children and adolescents between 5 and 17 years of age do not perform enough physical activity, while 59.5% of students participate in one or no gymnastics class per week. In addition, 80.2% of schools have at least one kiosk and 91.4% of these kiosks offer products of low nutritional value such as sugary drinks, sweets, ice cream, snacks, sweet cookies, hot dogs, etc

**III. Tobacco's Health Consequences**

**44.851 people die each year in Argentina as a consequence of tobacco consumption. 25% of the Argentinean population smokes. The smoking prevalence in Argentina is about 22,1% of the adult population and 24.1% in young people. Additionally, 46.8% of the population said that they were exposed to tobacco smoke.**

**A. Argentina's ratification of the Framework Convention on Tobacco Control (FCTC)**

By September 2018, 181 countries had ratified the FCTC. Argentina is the only country in South America that is still not a member of this Convention.

**B. Tobacco products advertising, promotion and sponsorship**

The Law 26.687 (2011) established some minimal protections and standards and should be view as a significant first step in national tobacco regulation, it fell well

short of encompassing all aspects of the Framework Convention on Tobacco Control. Argentinean current regulation on tobacco control still allows advertising at points of sale and direct marketing. The content of cigarettes is not regulated correctly; it violates people's right to health, children and adolescents in particular.

### **C. Tobacco Taxes**

The new tax reform law (December 2017) modified tobacco taxes, decreasing the percentage from 75% to 70% and establishing a minimum amount of taxation for cigarette packages. The reform was not enough to reduce consumption, stronger measures are required.

### **IV. Argentina's Obligation to protect citizens from Non-Communicable Diseases.**

Argentina's obligation to protect citizen's health is contained in both the National Constitution and in the international human rights treaties that enjoy a constitutional hierarchy due to their incorporation in the domestic system.

For example, Article 41 of the constitution guarantees a right of all inhabitants "*to a healthy, balanced environment, apt for human development and for productive activities which meet their present needs without compromising those of future generations (...)*". Additionally, Article 42 explicitly protects the right to health when referring to consumer's rights in the following terms: "*Consumers and users of goods and services have the right, in the consumer relationship, to the protection of their health, safety and economic interests, to adequate and truthful information, to freedom of choice, and to conditions of equitable and dignified treatment (...)*."

**In addition, the Committee on Economic Social and Cultural (CESCR) rights stated that it was "concerned about the high level of tobacco consumption in the State party, especially among women and youth." CESCR recommended that Argentina "ratify and implement" the FCTC and "develop effective public awareness and tax and pricing policies to reduce tobacco consumption, in particular targeting women and youth."**

### **V. Recommendations**

Taking into consideration the information described in this report, we suggest to the Committee the following recommendations to be included in the Concluding Observations to the Argentinean State:

- 1. The Government of Argentina must regulate and restrict marketing strategies of unhealthy food and beverages.**
- 2. The Government of Argentina must adopt a food labeling policy according to the international best practices.**
- 3. The Government of Argentina must implement tax measures to discourage the consumption of soda.**
- 4. The Government of Argentina must ratify the Framework Convention on Tobacco Control.**
- 5. The Government of Argentina must ban all forms of tobacco products marketing campaigns.**
- 6. The Government of Argentina must sanction a National Tobacco Tax Law or adapt the "internal taxes" law to the international best practices to raise tobacco prices.**