

# **Addendum to the Alternative Report<sup>1</sup> Submitted by the Alana Institute for the 99th Pre-Session of Brazil's Review, focused on Children and the Digital Environment**

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## **Introduction**

1. The Alana Institute<sup>2</sup> is a Brazil-based global organization that promotes integral development and children's rights through advocacy, litigation, and communications at national and international levels.
2. In March 2024, the Alana Institute submitted a comprehensive alternative report one of whose topics was children's rights and the digital environment. Considering the postponement of the pre-session and the occurrence of important updates that needed to be brought to the attention of the Committee on the Rights of the Child concerning Brazil's review, the Alana Institute presents these updates through this document.

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<sup>2</sup> <https://alana.org.br/>.

3. This thematic report will focus on children's rights and the digital environment in Brazil, based on General Comments Nos. 16 and 25, specifically: i) Conanda Resolution No. 245/2024 on children and the digital environment and other national policies; ii) Regulation of platforms and games and notable examples of violations of children's rights in the digital environment by companies in Brazil; iii) Advancements promoted by Brazil's National Data Protection Authority (ANPD); and iv) Conclusion and Recommendations.

## **I. Conanda Resolution No. 245/2024, on children and the digital environment and other National Policies**

4. In May 2024, Conanda (National Council for the Rights of Children and Adolescents) approved its Resolution No. 245<sup>3</sup>, which, interpreting current legislation in Brazil, provides for the rights of children in the digital environment and is aligned with General Comment No. 25, explicitly mentioning it in its clauses. The writing and discussion of the normative text involved Alana Institute<sup>4</sup> active participation, along with other child rights defense organizations from civil society, government members and members of the Conanda's Adolescent Participation Committee (CPA)<sup>5</sup>.
5. The text, which came into force on the date of its publication, reaffirms the right to full and primary protection of children in their relation to the digital environment, in addition to determining the **creation of a National Policy for the Protection of the Rights of Children in the Digital Environment**, to be developed and coordinated by the National Secretariat for the Rights of Children and Adolescents of the Ministry of Human Rights and Citizenship and by Conanda itself.
6. Interpreting the current legislation, the Resolution clarifies the obligations of companies providing digital products and services in relation to children. In Chapter V of the Resolution, interpreting the legislative framework in the country in light of the rights of children, Conanda addresses the "Duty of care and responsibilities of companies providing digital products and services," stating in Art. 17 that companies are also responsible for the full protection of the rights and best interests of children in products and services they provide in the market, in line with the principle of shared responsibility enshrined in Article 227 of the Brazilian Federal Constitution, which declares children's rights as an **absolute priority**, and paragraphs 36 - 39 of CRC's General Comment No 25:

Art. 17. Companies providing digital products and services used by children and adolescents operating in Brazil, including those based abroad, are responsible for the

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<sup>3</sup> DIÁRIO OFICIAL DA UNIÃO. Resolução n° 245, de 5 de abril de 2024. Available at: <<https://www.in.gov.br/en/web/dou/-/resolucao-n-245-de-5-de-abril-de-2024-552695799>>. Accessed on 27.06.2024.

<sup>4</sup> Instituto Alana holds a seat on the National Council for the bienniums of 2023-2024.

<sup>5</sup> The Adolescent Participation Committee (CPA) is a collegiate body of CONANDA composed of 27 teenagers aged between 12 and 16, representing all Brazilian states. See more about CPA in Resolution no. 224/2021, available at: <<https://www.gov.br/participamaisbrasil/blob/baixar/15410>>. Accessed on 01.07.2024.

implementation and guarantee of the rights of this audience in the digital environments they produce and regulate.

7. The contours of this responsibility are outlined in the subsequent articles, which address not only the risks that companies must consider concerning the interaction of children with their products and services but also the obligations related to implementing mitigation measures to prevent these risks from materializing and causing harm to the rights of children. Specifically, Art. 22 of the Resolution details the risks to the rights and best interests of children that companies must “identify, measure, evaluate, and diligently mitigate” in relation “to the functionalities, design, management, and operation of their services and systems.”
8. Regarding the National Policy for the Protection of the Rights of Children and Adolescents in the Digital Environment provided by the Resolution, the text clarifies that it “shall include joint, integrated, and multisectoral actions to combat and eradicate all types of violence, abuse, and exploitation in the digital environment of children, promote the balanced and positive use of digital devices, maintain and strengthen family and community ties, digital inclusion, data protection culture, media literacy, and dissemination of information about rights and the safe use of the internet for children, families, caregivers, and members of the child and adolescent rights guarantee system” (Art. 9, §1). On June 12, a thematic working group<sup>6</sup> was created to develop the National Policy for the Protection of the Rights of Children and Adolescents in the Digital Environment, with representation from government bodies, civil society organizations, and teenage representatives from CPA.
9. There are other national policies under development addressing this issue, such as the National Media Education Strategy, led by the Secretariat of Communication of the Presidency of the Republic (SECOM) in partnership with the Ministry of Education (MEC) and in cooperation with UNESCO Brazil<sup>7</sup>, further developing the National Digital Education Policy<sup>8</sup> approved in 2023. The creation of a Digital Rights Secretariat in 2023, within the Ministry of Justice is also promising and demonstrates sensitivity to the issue, considering its specific competencies to enhance rights in the digital environment<sup>9</sup>.

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<sup>6</sup> DIÁRIO OFICIAL DA UNIÃO. **Resolução nº 246, de 12 de junho de 2024**. Available at: <<http://www.in.gov.br/web/dou/-/resolucao-n-246-de-12-de-junho-de-2024-566921731>>. Accessed on 27.06.2024.

<sup>7</sup> SECOM. **Estratégia Brasileira de Educação Midiática apresenta as políticas públicas voltadas para a população**. Available at: <<https://www.gov.br/secom/pt-br/assuntos/noticias/2023/10/estrategia-brasileira-de-educacao-midiatica-apresenta-as-politicas-publicas-voltadas-para-a-populacao>>. Accessed on 27.06.2024.

<sup>8</sup> BRASIL. **Lei nº 14.533 de 11 de janeiro de 2023**. Available at: [https://www.planalto.gov.br/ccivil\\_03/\\_Ato2023-2026/2023/Lei/L14533.htm](https://www.planalto.gov.br/ccivil_03/_Ato2023-2026/2023/Lei/L14533.htm). Accessed on 01.07.2024.

<sup>9</sup> BRASIL **Decreto nº 11.348 de 2023**. Aprova a Estrutura Regimental e o Quadro Demonstrativo dos Cargos em Comissão e das Funções de Confiança do Ministério da Justiça e Segurança Pública e remaneja cargos em comissão e funções de confiança. Available at: [https://www.planalto.gov.br/ccivil\\_03/\\_ato2023-2026/2023/decreto/D11348.htm#anexo1art42a](https://www.planalto.gov.br/ccivil_03/_ato2023-2026/2023/decreto/D11348.htm#anexo1art42a). Accessed on 01.07.2024.

## **II. Regulation of platforms and games and notable examples of violations of children's rights in the digital environment by companies in Brazil**

10. Aiming to ensure greater protection for children on the Internet, Bill No. 2628/2022 is progressing in the Brazilian National Congress. Inspired by international references, including General Comment No. 25, the current version of the text includes within its scope all products and services likely to be accessed by children (Art. 1) and brings a series of significant advancements in the protection of these individuals in their interaction with the internet:

- It prohibits the commercial exploitation of children by information technology products and service providers, by banning profiling and emotional analysis for the purpose of targeting advertisements (Art. 15);
- It requires companies to recognize the rights of child users who access their products and services, ensuring that the rules for appropriate and safe provision are not limited to products targeted or developed for this social group. This includes obligations for companies that: i) prohibit the use of their products and services by children in their respective Terms of Use but are accessed by these individuals, or ii) provide products, services, or functionalities that are inappropriate or restricted for children, requiring them to adopt effective age verification measures (Art. 1);
- It requires the business sector to provide children with the highest level of privacy, security, and protection by default, through the design of their systems, products, operations, and communication actions, encouraging companies to adopt measures to innovate oriented by the guarantee of rights (Arts. 3, 4, 7, 14, 23);
- It requires companies to assess and mitigate the risks of their products and services to the rights of children and to be accountable and transparent about their actions, preventing the risks of gambling, exposure to fraudulent advertisements, or the dissemination of CSAM (Arts. 8 and 9);
- It requires proactive action against design and operational elements of products or services that may cause screen addiction, excessive use, or harm to health;
- It requires the provision of empowerment and control tools that provide more autonomy regarding the online experience (Arts. 10 to 12);
- It requires companies to provide explanations to children and guardians about the risks of products and services, including risks to safety and health (Arts. 9 and 11);
- It creates obligations for the safe provision of electronic games; (Arts. 13 and 14);
- Prohibits commercial exploitation in games by equating loot box mechanisms to gambling (Art. 13);

- Requires providers allowing user interaction to adopt measures to prevent risks of contact with malicious users (Arts. 10, 14);
- Requires the offering of user-friendly parental control panels tailored to the progressive development of children's capacities (Arts. 10, 11, and 12);
- Requires companies to provide effective and prioritized reporting mechanisms for children and families to prevent violations of their rights (Arts. 20 and 21);
- Holds companies accountable for violations of children's rights facilitated by their products or services, including damages resulting from business choices regarding design, system planning, interfaces, algorithmic system operation, and digital service operation (Art. 22).

11. At this moment, the text awaits an opinion from the Federal Senate's Digital Rights and Communications Commission. The Big Tech Lobby has been operating in a coordinated manner to reduce its legislative responsibilities<sup>10</sup>, having issued a joint statement that seeks to diminish corporate accountability obligations and suppress the prohibition on commercial profiling<sup>11</sup>. Defending the bill, the Alana Institute released a study advocating for the strengthening of the text, seeking further improvements that are closely aligned with General Comment No. 16 and 25<sup>12</sup>.

### **A. Electronic games**

12. On May 3, 2024, Law No. 14,852<sup>13</sup>, known as the legal framework for the electronic games industry, was enacted. The law establishes rules for the development and provision of electronic games in Brazil and includes among its principles the full protection of children, dedicating an entire chapter to the protection of these individuals.
13. Briefly, this chapter provides: i) that the design, management, conception, and operation of games accessed by children must prioritize their best interests (Art. 15, caput); ii) the obligation to implement “appropriate and proportional measures to mitigate risks to the rights of children and adolescents that may arise from the design or operation of these games, as well as to promote the realization of their rights related to the digital environment” (Art. 15, paragraph 1); iii) ensuring that electronic games do not promote any discrimination, with special emphasis on non-discrimination against children with disabilities (Art. 15, paragraph 3); iv) the mandatory implementation of systems for receiving complaints regarding the violation of the rights of children in games that allow user interaction, as well as the necessary transparency about these mechanisms, the number of complaints received, and the measures taken (Art. 16); v) the mandatory

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<sup>10</sup> The statement was joined by companies such as TikTok, Google, Meta, Discord, X, among others.

<sup>11</sup> CONSELHO DIGITAL. **Comentários ao substitutivo do PL 2628/22**. March 2024. Available at: <<https://conselhodigital.org.br/?r3d=pl-2628-comentarios-ao-substitutivo-ccj>>. Accessed on 01.07.2024.

<sup>12</sup> INSTITUTO ALANA. **PL 2628: Manifestação do Instituto Alana com sugestões a fim de garantir a proteção integral dos direitos de crianças e adolescentes**. 2024. Available at: <<https://criancaeconsumo.org.br/biblioteca/nota-tecnica-pl2628/>>. Accessed on 01.07.2024.

<sup>13</sup> Lei nº 14.852, de 3 de maio de 2024. Available at: <[https://www.planalto.gov.br/ccivil\\_03/\\_ato2023-2026/2024/lei/L14852.htm](https://www.planalto.gov.br/ccivil_03/_ato2023-2026/2024/lei/L14852.htm)>. Accessed on 01.07.2024.

restriction, by default, of purchases and commercial transactions by children, ensuring parental consent (Art. 17).

14. The Legal Framework for Games also includes provisions to accelerate the development of the electronic games industry in Brazil. As stated in Article 5, paragraph, all forms of betting games do not fall under the national scope of electronic games and cannot access the benefits of the law.
15. These legal advancements were the result of a joint collaboration between **Alana Institute**, the national gaming industry (Abragames), civil society, academic scholars, and engaged Senators, who collaborated to create a chapter on child rights in gaming, absent from the initial text, and advocated to guarantee that the definition of electronic games did not include *fantasy games*, a gambling modality that was favored in one of the bill's versions. Alana's engagement in two Public Hearings<sup>14</sup> and wide dissemination of research on gaming regulation based on General Comment No. 25<sup>15</sup> was successfully reflected in the final text but monitoring is still necessary to guarantee the provisions.

## **B. Gambling**

16. Although all forms of betting and gambling are legally prohibited for children in Brazil, there is a proliferation of gambling platforms available on the Internet, with few or no control measures to prevent their access by the younger generation. In 2018, a presidential decree legalized fixed-odds sports betting lotteries. However, regulatory measures began only in 2024, and, for six years, this market has operated completely unregulated and without adequate oversight.
17. Discussions are also currently ongoing in the Federal Senate to expand the scope of legalization to other forms of betting beyond fixed-odd sports, including online casinos, but despite their current illegality, they operate freely on the Brazilian Internet. Illegal gambling platforms like "Fortune Tiger" feature visual elements, colors, and sounds designed to capture the attention of children and are associated with a higher risk of

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<sup>14</sup> The first Public Hearing was held on September 20, 2023, where Instituto Alana recommended more debates on the text, improvement on child right's provisions and exclusion of betting mechanisms from the bill. Available at:

<<https://www12.senado.leg.br/tv/plenario-e-comissoes/plenario/2023/09/ao-vivo-senado-debate-o-marco-legal-da-industria-de-jogos-eletronicos-e-de-fantasia>>. Accessed on 01.07.2024.

The second Public Hearing was held on February 27, 2024. In this session, Instituto Alana advocated for a more active stance in the text against the commercial exploitation of children and adolescents in games and commended the advances in Senator Leila Barros' (PDT/DF) bill report. Available at: <<https://www12.senado.leg.br/tv/plenario-e-comissoes/comissao-de-educacao-cultura-e-esporte/2024/02/ao-viv-o-ce-analisa-projeto-que-cria-marco-legal-para-industria-de-jogos-eletronicos>>. Accessed on 01.07.2024.

<sup>15</sup> ZAMBARDA, Pedro. **EXCLUSIVO:** Instituto Alana defende crianças e adolescentes dos *fantasy* que apareceram no Marco Legal dos Games. September 20th, 2023. Available at: <<https://dropsdejogos.uai.com.br/noticias/cultura/instituto-alana-marco-legal-dos-games-exclusivo/>>. Accessed on 01.07.2024.

gambling addictions<sup>16</sup>, with national media already having reported cases of suicide<sup>17</sup> related to gambling debts and gambling addiction among Brazilians under 18 years of age<sup>18</sup>.

18. The issue of irregular access to gambling by children is exacerbated by the fact that there are numerous entry points through targeted or appealing advertising directed at them on digital platforms they use including dissemination on popular social media platforms such as Instagram. Fake accounts promoting gambling have spread widely and follow user accounts for promotion, even when user profiles are set to private. The extensive advertising of gambling modalities by famous *influencers*, including the most followed ones in Brazil, as well as in stadiums and on football uniforms, has also attracted the attention of children<sup>19</sup>. *Influencer* accounts often promise quick financial gains and even use fraudulent videos for gambling promotion<sup>20</sup>.
19. The situation is even more severe given that children and adolescents have been commercially exploited to promote betting games, without any due diligence adopted from social media platforms that host the contents. **A complaint filed by the Alana Institute at the Public Prosecutor's Office of São Paulo showed that Meta failed to remove online casino advertising featuring child influencers and targeting children on Instagram, even after receiving specific complaints about them<sup>21</sup>.**
20. The complaint also showed how Instagram's reporting mechanisms are not equipped to receive such reports, and the platform's content moderation analysis is inadequate to prevent access to clearly illegal content by children. The Public Prosecutor's Office of São Paulo summoned Meta to provide clarifications, and the complaint was also received by the National Consumer Protection Secretariat of the Ministry of Justice. Additionally, the complaint was covered by more than 280 traditional and alternative national media outlets.
21. In the same vein, in partnership with Núcleo Jornalismo, **Alana Institute also notified Kwai, a short video platform similar to TikTok, for directly offering and promoting gambling games to children within its platform, without implementing any type of**

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<sup>16</sup> NÚCLEO. **Kwai libera cassinos e promove bets para menores de 18 anos**. June 6th, 2024. Available at: <<https://nucleo.jor.br/reportagem/2024-06-06-kwai-cassino-bet-para-menores/>>. Accessed on 27.06.2024

<sup>17</sup> DM. **Jovem é encontrado sem vida após perder 50 mil em jogo de tigre**. Disponível em: <https://www.dm.com.br/brasil/jovem-e-encontrado-sem-vida-apos-perder-r-50-mil-em-jogo-do-tigre-128617>. Acesso em 21.3.2024.

<sup>18</sup> NÚCLEO. **Kwai libera cassinos e promove bets para menores de 18 anos**. June 6th, 2024. Available at: <<https://nucleo.jor.br/reportagem/2024-06-06-kwai-cassino-bet-para-menores/>>. Accessed on 27.06.2024

<sup>19</sup> GZH. **Adolescentes relatam rotina de apostas online; projeto tenta barrar acesso aos jogos para menores de 18 anos**. 2023. Available at: <<https://gauchazh.clicrbs.com.br/comportamento/noticia/2023/12/adolescentes-relatam-rotina-de-apostas-online-projeto-tenta-barrar-acesso-aos-jogos-para-menores-de-18-anos-clph3c74j001a014lqmkqn2gk.html>>. Accessed on 27.06.2024.

<sup>20</sup> UOL. **Jogo do Tigrinho: como plataformas aliciam e pagam influencers em 7 etapas**. Available at: <<https://noticias.uol.com.br/colunas/carlos-madeiro/2024/06/18/jogo-do-tigrinho-como-plataformas-aliciam-e-pagam-influencers-em-7-etapas.htm?cmpid=copiaecola>>. Accessed on 01.07.2024.

<sup>21</sup> BBC NEWS BRASIL. **'Jogo do tigrinho' e outros cassinos online contratam influenciadores mirins e direcionam propaganda para crianças no Instagram**. June 24th, 2024. Available at: <<https://www.bbc.com/portuguese/articles/c033r0p2z76o>>. Accessed on 27.06.2024.

**age assurance for the offer of legal sports betting nor effective control to curb illegal casinos**<sup>22</sup>. The two cases show how popular social media is functioning as a gateway for the promotion and access to gambling for children in Brazil.

### C. Artificial Intelligence

22. In addition to the aforementioned risks, other cases of violations of Brazilian children's rights in the digital environment by companies have gained prominence and attracted the attention of the press and justice system authorities, especially the use of AI. **A new report from Human Rights Watch identified images of Brazilian children in databases used to train artificial intelligence applications without proper safeguards**<sup>23</sup>. Deepfake nude and/or sexualized images of children have been widespread on popular social media such as Instagram<sup>24</sup>, which has also profited on sexual deep fake tools advertisements<sup>25</sup>.
23. To address these risks, the National Senate is also discussing Bill 2338/2023, which aims to protect human rights in a high AI usage scenario. The bill seeks to curb risks such as the creation of child-deep nudes, prohibit tools that exploit children's vulnerabilities, and strengthen strategies for critical digital education. Alana Institute also contributed to strengthening the text and suggested full a chapter dedicated to child rights<sup>26</sup>.
24. Besides these initiatives, it is necessary to recognize that, concerning the violations of children's rights by companies, the Convention on the Rights of the Child binds private institutions to the best interests of the child, specifically in Article 3.
25. Considering these recent cases, it's worth noting that the Convention and its General Comments are legally binding in Brazil, which has signed and ratified them and they must also be observed by corporations. Additionally, given that Article 227 of the Brazilian Federal Constitution states that it is the duty of the family, society, and the State to protect children with absolute priority, these rights outlined already should be protected by companies.

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<sup>22</sup> NÚCLEO. **Kwai libera cassinos e promove bets para menores de 18 anos**. June 6th, 2024. Available at: <<https://nucleo.jor.br/reportagem/2024-06-06-kwai-cassino-bet-para-menores/>>. Accessed on 27.06.2024

<sup>23</sup> HUMAN RIGHTS WATCH. **Brazil: Children's Personal Photos Misused to Power AI Tools**. June 10th, 2024. Available at: <<https://www.hrw.org/news/2024/06/10/brazil-childrens-personal-photos-misused-power-ai-tools>>. Accessed on 27.06.2024

<sup>24</sup> NÚCLEO. **Deepfakes de exploração sexual infantil começam a pipocar no Instagram**. 2024. Available at: <https://nucleo.jor.br/reportagem/2023-10-23-perfis-no-instagram-divulgam-arte-feita-com-ia-que-sexualiza-criancas-e-adolescentes/>.

<sup>25</sup> TECMUNDO. **Instagram e Facebook mostram anúncios de apps que dizem 'apagar' roupas em fotos**. Available at: <https://www.tecmundo.com.br/redes-sociais/282754-instagram-facebook-mostram-anuncios-apps-tiram-roupas-fotos.htm>. Accessed on 27.06.2024

<sup>26</sup> INSTITUTO ALANA. **Nota Técnica do Instituto Alana sobre o PL 2338**. 2024. Available at: <https://criancaeconsumo.org.br/biblioteca/nota-tecnica-do-instituto-alana-sobre-o-pl-2338/>. Accessed on 27.06.2024



### III. Advancements promoted by Brazil's National Data Protection Authority (ANPD)

26. The Brazilian National Data Protection Authority (ANPD) has also undertaken significant actions to ensure the creation of a more privacy-respecting environment for children in Brazil. Two ongoing enforcement procedures at the authority specifically concern the personal data of these individuals: the first is an investigative procedure initiated against Bytedance, owner of TikTok, aimed at assessing the adequacy of the company's handling of children's data, following actions taken by other data protection authorities worldwide; and the second is a sanctioning procedure initiated against *edtech* companies that, as reported by Human Rights Watch, were found to be violating the privacy rights of thousands of Brazilian students<sup>27</sup>.
27. Furthermore, the ANPD recently launched a public consultation aimed at gathering input for the development of a regulatory project. According to information on the Authority's website, "issues involved include the best interests of the child; consent provided by parents and guardians; information collection through games and internet applications; and transparency in data processing operations". The expectation is to develop a robust regulatory framework from this consultation to ensure the rights and protection of the personal data of children.
28. It is also worth mentioning that important advancements were made in regard to the inclusion of the child rights agenda in the National Data Protection Council (CNPD)<sup>28</sup>, an advisory body whose competencies, described in art. 14 of Decree No. 10,474/2020<sup>29</sup>, include supporting ANPD in the construction of the National Data Protection Policy, promoting studies, debates and public hearings and disseminating knowledge about personal data protection and privacy to the entire Brazilian population. By means of a presidential decree<sup>30</sup>, CNPD opened new seats for its composition and received nominations for civil society representatives, which included the lawyer and executive director of the Alana Institute, Isabella Henriques. Supported by more than 20 organizations in the field of children's rights, Henriques is the first counselor specialized in this area<sup>31</sup>, which means that her nomination represents an advancement in ensuring the

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<sup>27</sup> HUMAN RIGHTS WATCH. "How dare they peep into my private life?" Children's rights violations by governments that endorsed online learning during the covid-19 pandemic. May 25th, 2022. Available at: <<https://www.hrw.org/report/2022/05/25/how-dare-they-peep-my-private-life/childrens-rights-violations-governments>>. Accessed on 27.06.2024

<sup>28</sup> Autoridade Nacional de Proteção de Dados. Conselho Nacional de Proteção de Dados Pessoais e Privacidade. Available at: <<https://www.gov.br/anpd/pt-br/cnpd-2>>. Accessed on 01.07.2024.

<sup>29</sup> Decreto nº 10.474, de 26 de agosto de 2020. Available at: <[https://www.planalto.gov.br/ccivil\\_03/\\_ato2019-2022/2020/decreto/D10474.htm#:~:text=DECRETO%20N%C2%BA%2010.474%2C%20DE%2026%20DE%20AGOSTO%20DE%202020&text=Aprova%20a%20Estrutura%20Regimental%20e.comiss%C3%A3o%20e%20fun%C3%A7%C3%B5es%20de%20confian%C3%A7a](https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2020/decreto/D10474.htm#:~:text=DECRETO%20N%C2%BA%2010.474%2C%20DE%2026%20DE%20AGOSTO%20DE%202020&text=Aprova%20a%20Estrutura%20Regimental%20e.comiss%C3%A3o%20e%20fun%C3%A7%C3%B5es%20de%20confian%C3%A7a)>. Accessed on 01.07.2024.

<sup>30</sup> DIÁRIO OFICIAL DA UNIÃO. **Decretos de 25 de junho de 2024**. Available at: <<https://www.in.gov.br/en/web/dou/-/decretos-de-25-de-junho-de-2024-567977376>>. Accessed on 01.07.2024

<sup>31</sup> FOLHA DE S. PAULO. **Diretora-executiva do Instituto Alana é nomeada para Conselho Nacional de Proteção de Dados Pessoais**. June 28th, 2024. Available at:

absolute priority of the rights of children and adolescents in the formulation of the National Data Protection Policy.

#### **IV. Conclusion and recommendations**

29. Despite some advances, in Brazil, children's rights have been constantly violated by companies, and their economic power has made it difficult for sanctions and enforcement actions to be taken, as stated in item II.
30. The Alana Institute recommends that the committee pose the following questions to the government:
  - a. How has Brazil coordinated policies and actions among different institutions to ensure compliance with the commitments outlined in General Comment No. 25, and what are the most up-to-date indicators of the existing policies?
31. Therefore, Alana Institute also recommends that the Committee:
  - a. Call a meeting or any other necessary international mechanism between digital companies and the State, considering that the State must ensure the compliance of these companies with international legislation, including the Convention on the Rights of the Child and the General Comments No 16 and 25;
  - b. Call on the Brazilian State to implement Resolution No. 245/2024 of the Conanda on children and the digital environment, by creating the National Policy for the Protection of the Rights of Children and Adolescents in the Digital Environment, with proper budget, monitoring, and establishing appropriate sanctions for violations of children's rights in this context incorporating all aspects of business activities, including comprehensive protection against the effects and risks of their operations;
  - c. Call on the Brazilian State to make children's rights central in all initiatives addressing digital issues, with a proper budget and monitoring structure;
  - d. Ensure social media accountability to prevent gambling and betting access or advertising targeting children, and guarantee effective policies against children's access to gambling.

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<<https://www1.folha.uol.com.br/colunas/monicabergamo/2024/06/diretora-executiva-do-instituto-alana-e-nome-ada-para-o-conselho-nacional-de-protecao-de-dados-pessoais.shtml>>. Accessed on 01.07.2024