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**Joint Submission of**

**Dreikönigsaktion - Hilfswerk der Katholischen Jungschar /  
DKA Austria**

**&**

**FIAN Austria**

**for the Universal Periodic Review of Austria  
at the 37<sup>th</sup> session of the UPR working group**

**18 March 2020**

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This submission is based on the rights conferred by

The Convention on the Rights of the Child CRC  
The Convention on Economic, Social and Cultural Rights CESC

### **Legal Framework:**

#### **Best Interest of the Child Article 3 CRC, Right to Health Article 24 CRC and Article 12 CESC, Right to Adequate Food Article 11 CESC**

(1) Children as described in article 1 of the Convention on the Rights of the Child (CRC) have the right to health according to article 24 and article 3 of the CRC. The right to health implies not only the access to health care services but also to information about a healthy lifestyle. Unhealthy nutrition harms children's as well as adults' health. Implementing the rights to health mentioned above are one of the most important duties of Austria

(2) In 2013, the Committee on the Rights of the Child stated in the General Comment No.16 that "the marketing to children of products such as cigarettes and alcohol as well as foods and drinks high in saturated fats, trans-fatty acids, sugar, salt or additives can have a long-term impact on their health". (CRC/C/GC/16, 19). The Adelaide Statement (2010) of the World Health Organisation (WHO) outline the necessity of health in all policies including a health-based approach for all policy makers and "embedding responsibilities into governments' overall strategies, goals and targets." Acting for the well-being of the child and providing access to health are some of the key purposes of the Adelaide Statement on Health in all Policies. In this respect, it is essential that the health sector along with other sectors such as social and business and the government work together in order to provide the best conditions and the best environment for children to grow up in.

(3) UNICEF published a Child Rights-Based Approach to Food Marketing in 2018: A Guide for Policy Makers thus linking the recommendations of the WHO to the rights of the CRC. The Child Rights-Based Approach to unhealthy food and marketing noted that several rights of the CRC are affected by unhealthy food marketing: health, food, life, survival, development, education, information, rest, leisure, recreation, cultural activities, privacy and non-discrimination. The implementation of the rights would imply a prohibition or a restriction on advertising food with a high salt, saturated fat and sugar content.

(4) The European Parliament and the council issued a directive in 2018 on audio visual media services (2018/1808)<sup>1</sup>. According to this directive Member States should reduce "the exposure of children to audio-visual commercial communications regarding foods and beverages that are high in salt, sugars, fat, saturated fats or trans-fatty acids or that otherwise do not fit those national or international nutritional guidelines". Children are influenced by marketing either as a specific target group for children's' products or through their parents and through the long process of building loyalty to brands. The marketing of food with high salt, fat and sugar content directed to children contributes to an obese society causing diseases related to childhood obesity.

(5) On the 19th of February 2020, the WHO, UNICEF and the Lancet Commission published a report on children's health and well-being with regard to climate threats and exploitative marketing practices. The report outlined how marketing from business exploit the developmental vulnerability of children and how companies make huge profits from marketing products that are very unhealthy and the major causes of non-communicable diseases directly to children. According to the WHO, UNICEF and the Lancet Commission the "industry self-regulation does not work, and the existing global frameworks are not sufficient"<sup>2</sup>

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<sup>1</sup> 2018/1808 Directive amending the 2010/13/EU Directive.

<sup>2</sup> A future for the world's children? A WHO–UNICEF–Lancet Commission (2020) 2.

**Recommendation:**

Therefore, we recommend that,

- Austria implements a child-based approach to food marketing by issuing a binding law regulating the advertising of food with high salt, saturated fat and sugar content as soon as possible.

DKA Austria and FIAN Austria, kindly thank-you for considering the recommendation submitted above.

Yours sincerely,



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Director DKA Austria



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