

HEALTH, FINANCIAL HEALTH, ECONOMY AND INTERESTS: THE HUMAN RIGHTS AGENDA OFF THE BETTING AGENDA



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ABSTRACT

Fixed-odds betting in Brazil was regulated on December 29, 2023, more than 04 (four) years after its legislative conception. The economic agenda is a fact, if the legislation on the subject is observed. However, the human factor does not appear with the same clarity, questioning the observance of Human Rights. This article addresses the interaction between the betting market, economic interests, the physical and financial health of bettors and the Rights that are at stake, even before the start of the operation of the regulated market. Exploratory and explanatory methodology was used, with a qualitative approach and a technical approach to bibliographic research, with critical interpretation of the data. The themes of fixed-odds betting, also called online betting, and the focus on the integrity of the person, now bettor, are highlighted. The betting market has gained visibility in recent years and needs to be faced from the perspective of Human Rights.

Keywords: Bets. Human rights. Fixed Odds Betting. Online betting. Sports Betting.

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INTRODUCTION

Observing the environment, following the occurrence of changes, thinking critically about the impact of changes on society, confronting the social world and the laws in place, seeking to assimilate the spaces destined to law and the various 'types' of law, according to their branches, proponents and recipients. Therein lies part of what defines the matter of which a researcher, an observer of the times, is constituted, seeking to record and understand what has been, is and will be.

A great transformation is being operated in the Brazilian market in the wake of those occurring in the world. It will have implications for the way people bet, have fun, invest, win and lose value. It will also have repercussions on finances, people's physical and mental health, social and family interactions, the consumer market, types of indebtedness, and education. In short, this change that has been taking place since 2018 and is now consolidated, legalized and regulated, will affect a good part of Human Rights.

The objective of this article is to address, in the face of law and social notions, and from the perspective of Human Rights, the way in which regulation took place, as well as the consequences of the implementation of the fixed-odds betting market, popularly known as *bets*. For the elaboration of the work, the qualitative methodology was used, with an exploratory and explanatory character, to which the technique of bibliographic research was applied, with critical interpretation of the data.

To go through the problem, the text was separated into parts that are related. In addition to the introduction, which is equivalent to section 1, another 04 (four) parts take up the proposed approach, before reaching the final considerations. The second section takes care of bringing a general approach to Human Rights, in addition to correlating guarantees protected by it and that come to be in check in the face of the theme of *bets*. The following section clarifies what online betting platforms are and how the consolidation of legislation and the qualification procedure for companies took place. The fourth section will bring the confrontation of the regulation of fixed-odds betting with what was (or was not) present in the debates from which the modality derived, bringing analysis of legislation and national and international studies on gambling. The fifth section will look to the past and outline the future, pointing out some of the possible effects that the entry of *bets* into the financial market, now regulated, may generate in various instances, individual and collective.

To make this essay viable, considering the small amount of academic and scientific material produced in relation to the theme, as well as because it is a living subject, in

constant change during the preparation of the essay, government articles, journalistic reports and studies conducted by associations and auditing companies were used.

This article aims to shine a spotlight and focus them on the fixed-odds betting market, inviting readers to a critical analysis of the theme, in correlation with many other propositions transversal to it, in the search to place the present writing in the condition of enunciation to encourage debate and not in the position of solving the problem, because the moment in which this production occurs precedes the date on which the regulated market will start operating and, as a result, expose its reflections.

HUMAN RIGHTS, TO BEGIN WITH

In a text that will explain the perspectives and impacts of fixed-odds betting or online betting, popularized as "*bets*",³ many paths are possible. This theme, with a bias that may initially seem only economic, has as a background an endless number of scopes, including Law and, more specifically, Human Rights⁴.

Dealing with circumstances that affect people without seeking such rights to compose the debate is, in the final analysis, not to be concerned with what is most basic for life, whether individual or socially contextualized, in interactions that shake both the single existences and the groups of coexistence.

The emergence of the Greek polis will not be addressed here, nor the motivations that led people to, long before that, come together in structures that are now called society, and which were consolidated as slowly as the rules that guide them. What matters most to the conjuncture to be portrayed are the repercussions of the choices and acts of one (s) in relation to the life of the other(s), and on their rights, those who are more human.

At this point, we include the statement of José Luís Bolzan de Moraes (2002, p. 122), when the author summarizes that:

[...] Human rights, as a set of basic and fundamental historical values, which concern the dignified legal-political-psychic-physical-economic and affective life of beings and their habitat, both those of the present and those of the future, always emerge as a founding condition of life, imposing on political-legal-economic-social agents the task of acting in order to allow and enable everyone to be consigned the possibility of enjoying them for their own and common benefit to all. same time.

³ The term *bets* comes from the English word *bet*, whose meaning is "bet", that is, it can be used to designate any allocations of value in games (games of chance), whose outcome is uncertain.

⁴ According to Alves (2012, p.72): "Human rights are rights, internationally recognized in the Declaration of 1948 and universalized by the consensus of the Vienna Declaration of 1993. They were never a 'narrative' or 'metanarrative' in the ideological sense [...]."

Just as human rights are addressed to all, the commitment to their realization characterizes the task of all, in a common commitment to common dignity.
(emphasis in original)

From the dissection of the concept above, we have that Human Rights seek to guarantee a dignified life, which, in order to be dignified, needs to be so in each of its perspectives, among which the psychic, economic, legal and affective. These prisms were sectioned for a specific reason: they are the most impacted by electronic betting, as will be seen throughout the text.

Furthermore, the concept clarifies that this dignified life is due both to the people who occupy the current space-time and to those who will come, because they are rights that guarantee the very condition of existence of this dignified life that everyone (today and tomorrow) deserves to have and aspires to enjoy. To this end, it is possible to affirm that the purpose deposited in these rights is their inexhaustibility, whose positive acts for perpetuation are of diffuse and collective responsibility.

In the Brazilian context, Human Rights are confused with Fundamental and Social Rights, especially as provided for in articles 5 and 6 of the Federal Constitution of 1988. These articles establish both a series of guarantees that aim to protect the dignity of the human person, as well as prescribe social rights, thus reflecting the universal principles of Human Rights.

According to the Constitution, nicknamed Cidadã, Fundamental Rights include civil and political rights, such as equality before the law and freedom of expression, as well as social rights, which should guarantee minimum conditions for a dignified life. The interdependence between Human Rights and Fundamental Rights is emphasized by Mendes (2019, p. 45), when he states that "fundamental rights are the necessary expression of respect for human dignity, and clarify the protection that must be given to the person in all its dimensions".

In addition, as Canotilho (2014, p. 22) points out, "the 1988 Constitution consolidates a system of rights that encompasses not only individual protection, but also collective and social rights, reinforcing the role of the State in promoting social justice".

It is up to the State⁵, guarantor of all rights, to think about its actions aiming at safeguarding the Human Rights of citizens in the face of other interests, because only then

⁵ The science about the attributions of the Brazilian State regarding its duty to protect Human Rights is clear and undeniable, so much so that it is present in the booklet of the National School of Public Administration (Enap) that deals with the Duty of States to Protect Human Rights, with the clear quote (Enap, 2021, p. 06),

will it be possible to preserve them. When the protection of Human Rights is not treated with the importance it deserves, what Silva, Bandeira and Menezes (2024, p. 03) asserted:

[...] Economic (development/market) and political-administrative (power/domination/control) interests, when they absolutely guide collective practices, can lead to actions based on force and conquest. The common social norms and values, the equality of material conditions, culture and social history, that is, the human aspects formulated within the intersubjective interaction, were submitted to technical-instrumental interests.

When this occurs, mainly in a conscious, deliberate and standardized way, in order to privilege the 'interests of the market':

Humans cease to be the source value of social relations, thus breaking with the Enlightenment paradigm of human dignity. In its place, progress, domination, administration and economic development are placed, expressed in a technical-instrumental rationality. (Silva, Bandeira and Menezes, 2024, p. 06)

What is on the table, taking advantage of the theme of the games, is the role of the State in the defense of its people, after all, it was in exchange for security and protection that each one who makes up this people, at some point in history, delivered to the State a sort of goods and rights to be protected and, if these values are no longer respected and guaranteed, the very reason of the State vanishes through paths and contours that, perhaps, lead to the interests of some, to the guarantee of gains for others and to the certainty of a high amount of compensation to the State itself.

Or, from another angle, the State would be succumbing to the market, which magnifies itself before the individual, creating estates between those who call the shots of the game and those who only surrender their resources (workforce, skills, money, time, health, social relations, etc.) in search of fun or salvation, in a movement described by Bobbio (2004, p. 62) as the one who would discover:

"in society (and not in the State) the forces that orient themselves towards liberation and historical progress, and seeing in the State an archaic, in the process of extinction, residual form of the power of man over man. Of this devaluation — which was a typical expression of the profound transformation produced in society, and, consequently, in the general conception of society and of historical progress, by the growth of industrial society and by the idea that men should now be guided more by the natural laws of economics than by the artificial laws of politics."

that: "The State must act as a promoter of initiatives, actions and public policies, by encouraging the design of regulations that foster appropriate conduct related to the prevention of the occurrence of human rights violations."

This new power, not so new anymore, would replace the State with so many other forms of domination of man over man, perhaps even more unbalanced than those previously conceived.

ONLINE BETTING PLATFORMS - AND WHAT FIT INTO THEIR REGULATION

According to an article published on the Planalto website on July 25, 2023 (Brasil, 2023), a joint proposal by the Ministry of Finance and the Ministry of Sports sought to regulate the sports betting market in Brazil. Such regulation came through Provisional Measure No. 1,182/2023 (of 07/25/2023), in order to discipline the exploitation of the fixed-odds betting lottery (term used by legislation) by the Union and delimit the operation of these *online* bets, also known as electronic betting, fixed-odds betting, *betting* market or, as they have come to be popularly called, *bets*.

The aforementioned article brings some data and numbers that deserve reference at this initial point of the text, including the speech of the Minister of Finance, Fernando Haddad, about the financial return on unregulated betting (Brasil, 2023): "The collection from betting goes to the budget with a low forecast. We estimate something in the region of R\$ 2 billion per year". In contrast to what is projected in terms of collection in a regulated market, according to the growth of the betting segment, in the country and in the world, as pointed out in the same publication: "In a fully regulated, sedimented and fully revenue market, the potential for annual collection is between R\$ 6 billion and R\$ 12 billion."

Diverse information was exposed by a study carried out in 2024, based on data extracted until the year 2023, by *Strategy&* of the PwC Brasil group (2024, p. 08), in whose analysis, the movement of values was between R\$ 60 and R\$ 100 billion.

According to the study's evidence, PwC (2024, p. 05) reported:

Bets already represent 1.38% of the family budget in classes D/E. In the average family budget, they represented 0.73% in 2023 – 4.9% of what is spent on food (1.5% in 2018) and 36% on leisure and culture (10% in 2018). In 2018, these numbers were 0.22% in the Brazilian average, and 0.27% for classes D/E, which shows an increase of 3 to 4 times in just 5 years. For reference, spending on leisure and culture represents 1.84% of the family budget in the Brazilian average, 1.49% in classes D/E. In 2024, bets can reach 5.5% of the value of food expenses. Potential impacts of betting include spending less on discretionary expenses such as leisure, clothing, hygiene/beauty, and even food. These activities can increase interest in related activities (e.g., sports tickets or subscriptions to watch games on TV), boosting your revenues. Sponsorship quotas, for example, have been favored by sports betting companies, which have been dominating football advertising spaces in Brazil.

According to what was provided for after the publication of MP No. 1,182/2023, the analysis for the purpose of approving the accreditation of companies, as well as the monitoring of the volume of bets and collections would be in charge of a secretariat, included in the structure of the Ministry of Finance by Decree No. 11,907, of January 30, 2024, and named Secretariat of Prizes and Bets (SPA/MF)⁶, which is also responsible for the areas of fixed-odds betting, commercial promotions, philanthropic draws, lotteries and early capture of popular savings.

Between the months of February and September 2024, SPA/MF published 18 (eighteen) Normative Ordinances, among which the following should be mentioned: SPA/MF Ordinance No. 1,475, which provides for the conditions and deadlines for adaptation for legal entities that explore the lottery modality of fixed-odds betting; Ordinance SPA/MF No. 1,233, responsible for regulating the sanctioning regime within the scope of the commercial exploitation of the lottery modality of fixed-odds betting, and; Ordinance SPA/MF No. 1,143, which provides for policies, procedures and internal controls to prevent money laundering, terrorist financing and proliferation of weapons of mass destruction (AML/FTP).

In addition, the text of the Ordinances provides for the mandatory use of the national financial system for payments and receipts, the prohibition of the use of credit cards to settle bets (Ordinance SPA/MF No. 615, of April 16, 2024) and even the conceptualization of what is considered "responsible gaming" (Ordinance SPA/MF No. 1,231, of 07/31/2024).

It should be noted, however, that none of the Ordinances⁷ issued by the Secretariat of Prizes and Betting, of the Ministry of Finance, was concerned with regulating any conditions, prohibitions or guarantees of patrimonial integrity that were linked to the citizen who will appear as a bettor⁸, while they do not bring specific statements about how financial education will occur, in a context of prevention or treatment of indebtedness resulting from betting.

In addition to this Secretariat, the National Sports Betting Secretariat was created in September 2024 (despite its creation announced for July 2024),⁹ linked to the Ministry of

⁶ The Secretariat of Prize and Betting has an official page, linked to the Ministry of Finance, accessible at the address <https://www.gov.br/fazenda/pt-br/composicao/orgaos/secretaria-de-premios-e-apostas>.

⁷ The complete list of Ordinances issued on the topic "Fixed Odds Betting" is available in the SPA/MF Legislation environment, accessible at the address <https://www.gov.br/fazenda/pt-br/composicao/orgaos/secretaria-de-premios-e-apostas/legislacao/apostas>.

⁸ Bettor: natural person who places bets. According to article 2, item III, Law No. 14,790/2023.

⁹ The National Sports Betting Secretariat did not have, until the completion of this article, its own address to access its content. Information about its creation can be checked in the News and Content environment of the

Sports, with the objective of monitoring and inspecting all sports demands related to betting to, together with the Ministry of Finance, ensure the integrity and unpredictability of sporting events and results, as provided for in Interministerial Ordinance MF/MESP/AGU No. 28, of May 22, 2024, which delimits the competencies, attributions, and procedures of the Ministries of Finance and Sports and the Attorney General's Office in the application of Laws No. 13,756, of December 12, 2018, and No. 14,790, of December 29, 2023.

The Sports Betting Secretariat will be responsible for promoting educational actions and prevention of compulsive gambling, which, as provided for in the legislation, will occur from awareness campaigns on the risks of excessive gambling and offering support and treatment for people with problems related to betting/gaming addiction (ludopathy), called Pathological Gambling Disorder, as provided for in Law 14,790/2023, art. 16, § 1º, item II.

As can be seen from the reading above, the fixed-odds sports betting market was not mentioned for the first time in national legislation in 2024, but in 2018, when it was created by Law No. 13,756, in the heart of which is located, in chapter V "Fixed-odds Betting". However, notwithstanding what is contained in article 29, paragraph 3 of Law No. 13,756/2018, that the Ministry of Finance would regulate the fixed-odds betting modality within 2 (two) years, extendable for an equal period, the fact was that between the years 2018 and 2023, there was no regulatory sequence that filled the gaps left by the general law. There were some specific legislative changes in the years 2021 and 2022, until, on July 24, 2013, the regulation was initiated by Provisional Measure No. 1,182/2023.

The legislative consolidation took place on December 29, 2023, with the publication of Law No. 14,790/2023, which aimed to provide for the lottery modality called fixed-odds betting.

Companies interested in operating *Online Betting* in Brazil needed to make a prior application in order to express their interest in operating, through insertion in the regulated market, online betting platforms. The deadline for requesting the operation was initiated by the Federal Government on May 22, 2024, and is expected to close at 11:59 pm on August 20, 2024 (due to the 150-day deadline for analyzing the documents). In this period, according to consultation with SIGAP¹⁰ (Bet Management System, of the Ministry of

Communication Office of the Ministry of Sports, accessible at the address <https://www.gov.br/esporte/pt-br/noticias-e-conteudos/esporte/secretario-nacional-de-apostas-esportivas-do-ministerio-do-esporte-e-nomeado>.

¹⁰ Available for consultation on the website of the Secretariat of Prizes and Bets, through the "Authorization Requests" field, accessible at the address <https://sigap.fazenda.gov.br/consulta-publica/lista-solicitacoes>.

Finance), the mark of 112 (one hundred and twelve) grant requests was reached, registered by 106 (one hundred and six) companies interested in the activity, in addition to another 131 (one hundred thirty-one) requests included in the system after the deadline, whose analysis will not necessarily occur and, If it occurs, they will have to wait for up to 150 days, as long as the others, with a deadline that expires in mid-February 2025, at which time the new rules will already be in place.

Notwithstanding the fact that the list of requests for authorizations, which occurred between 05/26/2024 and 08/20/2024, contains application numbers between 0001/2024 and 0114/2024, it should be noted that there are no headings 0061/2024 and 0108/2024 in the list, from which it can be inferred that there are not 114 (center and fourteen) requests, but 112 (one hundred and twelve). In addition, filtering the column Corporate name of the applicant, the repetition of companies was identified (they filed more than one request). If those that qualified for more than one request are excluded, there are 106 (one hundred and six) companies that have registered their appetite to operate in this market, in a regulated manner.

As a curiosity, during the research carried out in the SIGAP database, it was possible to identify that only 12 (twelve) companies included requests between 05/26/2024 and 08/12/2024. The other 100 (one hundred) applicants submitted the application in the last week of the deadline, between 08/13 and 08/20/2024.

With the regulation of the activity, only authorized companies¹¹ will be able to operate bets related to sporting events after the legal cut-off date, that is, January 1, 2025, under penalty of incurring in illegal practices, either by operating bets or by advertising (physical or virtual) the product.

It should be borne in mind that each license for the operation of the modality has a cost of R\$ 30 million and, if all those registered are licensed, only in this first phase of implementation, the Ministry of Finance can raise the figure of R\$ 3,360,000,000.00 (three billion three hundred and sixty million reais), without forgetting what has already been said elsewhere about the potential for collection in a regulated market, in taxes and payment of fines provided for cases in which the regulation is violated.

¹¹ The list of companies that can offer fixed-odds betting in Brazil is available for public consultation on the website of the Secretariat of Prizes and Bets, through the "Authorization" field, accessible at the address <https://www.gov.br/fazenda/pt-br/composicao/orgaos/secretaria-de-premios-e-apostas/lista-de-empresas>

If there is a treaty on prevention and financial education, the Fundamental and Social Rights guaranteed by the Federal Constitution of 1988 should be used, including the right to education. With a strong connection to the principles of Human Rights, education is essential for personal and social development, as a means of promoting citizenship and social inclusion.

When addressing the right to education, Ferreira (2021, p. 113) points out that "education must be understood as a human right, and not just as a service. It is an essential condition for individuals to be able to fully exercise other rights and actively participate in society." This demonstrates the importance of education not only as a goal in itself, but as a foundation for the realization of other rights.

As Ferreira (2021, p. 98) points out, "financial education should be seen as an essential competence in the formation of citizens, as it allows the development of skills necessary for the management of resources, planning, and autonomy".

Therefore, the absence of financial education, in the face of the open doors to a new betting market, linked to gambling, can be considered an affront to the principles established in the Federal Constitution of 1988, especially in relation to the rights to education and the dignity of the human person, since the absence of this training drives individuals to make uninformed decisions about their personal finances, resulting in economic difficulties, indebtedness and a lower quality of life, the effects of which contribute to the distancing of citizenship and social well-being and affront the principle of human dignity.

Resuming the above, on the topic discussed so far, what is expected is that a Secretariat, linked to the Ministry of Sports, will promote educational and preventive actions against compulsive gambling, through awareness campaigns on the risks of excessive gambling and offering support and treatment for people with problems related to addiction. This, in critical analysis, is to say that betting on gambling becomes a sport and that there are financial and psychological risks, which will not be barred, but warned in advertising campaigns and, if the alert is not enough, the addicted person will be referred for treatment, for which there is also no action protocol.

THE (NON) PRESENCE OF HUMAN RIGHTS IN THE REGULATION OF FIXED-ODDS BETTING

On August 18, 2024, the newspaper Folha de São Paulo published a report entitled "Government had 251 meetings with *bets* to regulate betting and 5 with health groups".¹² No disputes or notes from the Federal Government were found that refuted the data pointed out by Folha.

To bring understanding about the numbers cited in the journalistic content, and to indicate the origin of the information, the article presents the methodology used to locate the data, which, according to the report, were extracted from the E-agendas address (Electronic System of Agendas of the Federal Executive Branch), managed by the Office of the Comptroller General of the Union (CGU) and which concentrates the agendas of public commitments of all agencies and entities of the Federal Government.

The material obtained was filtered with the help of artificial intelligence, and 555 (five hundred and fifty-five) commitments were analyzed, which occurred between March 2023 and July 31, 2024, in which members of the Ministries of Finance and Health participated. The period chosen for the sample comprises the one in which the main regulations of fixed-odds betting took place.

As pointed out, of the total meetings analyzed, 381 (three hundred and eighty-one) involved the betting market and, of this number, 251 (two hundred and fifty-one), according to the report (Folha de São Paulo, 2024): "had as main interlocutors representatives of *bets* or associations that represented them".

On the other hand, the report pointed out that there are only 13 (thirteen) meetings to discuss responsible gaming with health entities and advertising regulation, as listed below: 05 (five) meetings with the National Council for Advertising Self-Regulation (Conar); 04 (four) meetings with the Ministry of Health; 02 (two) meetings with the Ministry of Human Rights; 01 (one) meeting with the Consumer Protection and Defense Program (Procon); and 01 (one) meeting with the Santa Casa de Misericórdia de São Paulo.

Two other pieces of information brought by the editorial, and which deserve special attention, are (1) that the Executive Secretariat of Finance has instituted weekly meetings, which take place every Thursday "with the two main entities representing betting sites:

¹² The article is available on the Folha de São Paulo website, accessible at the address <https://www1.folha.uol.com.br/mercado/2024/08/governo-teve-251-reunioes-com-bets-para-regular-apostas-e-cinco-com-grupos-de-saude.shtml>.

IBJR (Brazilian Institute of Responsible Gaming), linked to European brands, and ANJL (National Association of Legal Gambling), which brings together companies from the rest of the world", whose weekly schedules helped in the preparation of what the report defined as "rules praised by the betting sector for their similarity to the rules of Gibraltar, Malta and Curacao, where most bets are based". And (2) the fact that there is no specialization in hospitals and public health networks for the treatment of patients with gambling disorders, and "the largest support network is the Gamblers Anonymous Group (JA),¹³ which works in the same mold as AA (Alcoholics Anonymous)".

Regarding the pathology, Allison Silva dos Santos (2019, p. 10) clarifies that:

Gambling disorder is associated with a comorbidity of severe and moderate symptoms and mental disorders such as mood disorder, anxiety disorder, social dysfunctions, recurrent suicide attempts, and the consumption of licit and illicit drugs.

In addition, the game can be a subterfuge for everyday ills, in addition to, in certain cases, adding comorbidities when it becomes pathological. According to studies, they afflict each social group and age group in different ways, as shown by Oliveira, Silveira and Silva (2018, p. 545) based on a study carried out in countries that have already regulated gambling (meta-analysis study in the United States and Canada):

Among adolescents, the rates were higher: 9.5% were problem gamblers and 3.9% pathological gamblers, resulting in 13.3% of adolescents with problems associated with gambling. Among university students, the percentages are similar (9.3% and 4.7% and 13.9%, respectively). Drug addicts and the incarcerated population had even higher rates of gambling-associated problems (15.1%) and pathological gambling (14.2%).

At this point, due to the importance of the issue of the physical, psychic and financial health of the bettor, considering that the consequences of pathological gambling impact their freedom, their civil and economic rights, their equal status in society, despite the fact that the topic has, according to what was pointed out above, been a minority agenda in the debates that took place for the regulation and implementation of *betting*, the warnings brought by Souza et.al (2009, p. 356-357) in a study on Pathological Gambling and Motivation for Change, in the field of Clinical Psychology, are recorded:

¹³ According to what is described on its website, accessible at the address <https://jogadoresanonimos.com.br/>, "Gamblers Anonymous is a brotherhood whose members share their experiences, energy and hope, with the aim of stopping gambling, remaining abstinent and helping other compulsive gamblers to do the same". Even so, few cities have the service – there are only 39 units in the entire country.

Pathological Gambling is a serious pathology from a psychiatric and social point of view and little investigated from a scientific point of view. Although it has similarities with chemical dependence, dispensing with a psychoactive substance, it needs to be seen with its particularities so that it can be intervened appropriately and effectively.

The commercial exploitation of gambling imposes the need to inform the population and qualify health professionals in carrying out an early diagnosis of the pathology. Because it is a disorder with high rates of comorbidity, especially with chemical dependency and Mood Disorders, a careful and thorough collection of the personal history and course of the disease can unveil or facilitate an important aspect to be considered for treatment.

Considering the legislation that deals with the implementation and regulation of online betting, it can be said that "very little" or "almost nothing" of legislative dedication in the eagerness to protect the rights, whatever generation¹⁴ or size¹⁵, of bettors, because there is no in the regulations, as will be discussed below, a deepening of practical content about individual or collective protection.

The original Law No. 13,756/2018 reserved only one article, among its many pages, to paint, as there is no other term to translate the absence of robustness, something about care behaviors:

Article 33. The communication, advertising and marketing actions of the fixed-odds betting lottery must be guided by the best practices of corporate social responsibility aimed at the exploitation of lotteries, according to regulation.

This regulation, as already discussed, did not see the light before the final days of December 2023.

As for advertising, in the meantime, it began to be carried out, frequently, with the use of the so-called *influencers*, a fact that gained great visibility after Operation *Integration*, which resulted in (1) the arrest of lawyer and *influencer* Deolane Bezerra¹⁶, after the digital influencer appeared on her social networks, cooking 'in the company' of two

¹⁴ Generational proposal, by Norberto Bobbio: first generation-dimension composed of civil and political rights (freedom); second generation-dimension represented by economic, social and cultural rights (equality); and the third generation-dimension, encompassing diffuse rights (solidarity).

¹⁵ Ethical, legal and social

According to Silva, Bandeira and Menezes (2024, p. 18) "Human Rights are not monolithic, but include a plurality of interests - ethical, political, sociocultural, economic and legal".

¹⁶ Reports available in <https://g1.globo.com/pe/pernambuco/noticia/2024/09/06/bets-contratavam-influenciadores-para-driblar-lei-e-promover-jogos-de-azar-diz-secretario-sobre-operacao-que-prende-deolane-bezerra-video.ghtml> and <https://g1.globo.com/fantastico/noticia/2024/09/08/como-funcionava-esquema-de-lavagem-de-dinheiro-da-esportes-da-sorte-com-deolane-bezerra-segundo-a-policia.ghtml>. Accessed on: 19 out. 2024.

a prize", that is, an amount is paid, a draw is expected to take place days later and, with the result, The player learns whether or not he has won the intended prize.

In the aforementioned Mega-Sena, the minimum bet is R\$ 5.00 (five reais), to choose 6 (six) numbers on a ticket, wait for the next draw, which has fixed days on Tuesdays, Thursdays and Saturdays, and find out if you didn't win, or won a four of a kind (matching four numbers), a corner (matching five numbers) or Mega (matching the six numbers drawn). There is a time lag between the act of playing and the moment of seeing the result of the game.

Fixed-odds bets differ from this betting pattern, as the fixed odds²⁰, by definition of the legislation²¹, is the one with "a factor of multiplication of the amount bet that defines the amount to be received by the bettor, in case of a prize, for each unit of national currency bet". In other words, it is a type of bet in which, with each play, the bettor can receive amounts multiplied in relation to that amount he bets, which, by genesis, is close to the bets once made only in casinos and slot machines. Between the moment of the game and the result (won/lost) only a few seconds may have passed, and a new game to be made, and then another and another, in a progressive scale of luck and chance, which arouses the most varied and intense feelings of the bettor.

Bets, as a rule, take place in a virtual environment, via electronic channel, through *online*²² games, and have as their object (art. 3, Law 14.790/2013) real sports-themed events or virtual events of *online games*. Since 2018, the popularization of *betting* has been linked to football games. In short, each bettor now has in their hands, within their cell phone, options to access games of chance, with a multiplier factor, with a proposal for immediate gains with each play (slot machine crank style with instant return) and, at the same time, the link to what is already a national passion, football.

²⁰ The amount invested by the bettor is determined/fixed at the time the bet is placed and remains so, fixed, not varying according to any changes in the odds of the sporting event to which it is linked. For example, a bettor directs R\$ 50,000.00 to the victory of a certain type of football, in a certain competition, being sure of the victory of the aforementioned team, which comes first in the table throughout the championship. This would-be win will yield an excellent return value, as the multiplier factor of the bet is attractive. However, the team's defender, responsible for all the goals, breaks his leg on the eve of the game. It doesn't matter, the bet is fixed. His substitute is sent off at the beginning of the first half. That doesn't matter either, the bet is fixed. Even with the certainty of defeat, nothing can be done but wait for the loss of the R\$ 50,000.00 (fifty thousand reais) bet that, perhaps, came from the sale of a car, the commitment of jewelry or the taking of value with a loan shark.

²¹ Article 2, item II, Law 14,790/2023.

²² They can be physical games through the purchase of printed tickets, in case they are not linked to online games .

This gathering of factors offers anyone, with access to a cell phone and the *Internet*, a compilation of emotional stimuli that flirt with various kinds of passions: gambling, soccer, exposure to risk, adrenaline, easy financial gain, visual stimuli, among others, in an environment of gamification²³, that is, strategies applied to games with the objective of increasing the engagement of participants in search of overcoming, with a clear movement of feelings and an invitation to progress through the intricacies of the game, through increasingly tempting reward offers.

In an article published by Jornal da USP (2024a), psychiatrist Rodrigo Menezes Machado, from the Impulse Disorders Program (PRO-AMITI)²⁴ of the Institute of Psychiatry of the Hospital das Clínicas of the Faculty of Medicine of the University of São Paulo (IPq-HC-FMUSP), was heard. The researcher, specialized in Technological Dependence, clarifies the harms of addictive behavior, associated with online betting platforms:

We are talking about a behavior that is highly persuasive for the brain and for many people who may be vulnerable and at high risk for illness due to this behavior. So, creating a group, bringing together health specialists, public health specialists, gambling specialists to discuss and create mechanisms to minimize illness is fundamental. And there are measures, yes, that can be feasible, that can be realistic.

Psychiatrist Rodrigo Menezes Machado (Jornal da USP, 2024a), in the continuation of the article cited above, clarifies the potential for addiction to the brain of the most varied types of bets, compared to drug use:

In the same way as with chemical substances, we talk about substances that have greater addictive potential and substances that have less addictive potential, for example, marijuana. It has addictive potential, but we know that it is a less devastating and less rapid potential for you to acquire this addiction than a heroin, for example. [...] They have different potentials of persuasion from our brain, of stimulus, of gratification. But what unites all these behaviors is the stimulation of centers that process pleasure and reward in our brain.

That said, we return to what has been defined elsewhere as "a few more words" in the legislation, with the character of advancing the dialogue on the protection of the bettor. Despite the items that will be dealt with below, maintaining the critical sense, it is important that the reading is carried out not only based on what is written, but on the possible

²³ To deepen the understanding of the study applied to gamification, it is suggested to read the material made available by PUC/PR, available at the address of the PUC/PR Pós Digital platform

https://posdigital.pucpr.br/blog/gamificacao-engajamento#o_que_%C3%A9_gamifica%C3%A7%C3%A3o

²⁴ PRO-AMITI, the only specialized program for the treatment of Impulse Disorders in Brazil, can be better known from its website, available at the address <https://www.proamiti.com.br/>

reasons for what was or was not said, considering that the *betting* market will be composed of at least a hundred companies, in a competitive and lucrative environment, to the point of enforcing an accreditation of no less than R\$ 30 million²⁵.

Let us then proceed to the transcription of the articles of Law No. 14,790/2023 that bring safeguards (other than those with a merely economic aspect or customer service or ombudsman of the operating agent):

Article 8 Without prejudice to other requirements established in the regulations of the Ministry of Finance, the issuance and maintenance of the authorization for the exploitation of fixed-odds betting will be subject to the proof, by the interested legal entity, of the adoption and implementation of policies, procedures and internal controls of:

[...]

III - responsible gambling and prevention of pathological gambling disorders;

Article 16. The communication, advertising and marketing actions of the fixed-odds betting lottery will comply with the regulations of the Ministry of Finance, encouraging self-regulation.

Sole Paragraph. The regulation referred to in the *caput* of this article shall provide, at least, for:

I - the warnings of discouragement to gambling and warning about its harms that must be conveyed by the operating agents;

II - other informative actions to raise awareness of gamblers and prevent pathological gambling disorder, as well as the prohibition of participation of minors under 18 (eighteen) years of age, especially through the elaboration of a code of conduct and the dissemination of good practices; and

III - the destination of advertising and advertising of bets to the adult public, so as not to have children and adolescents as the target audience.

Article 17. Without prejudice to the provisions of the regulations of the Ministry of Finance, it is forbidden for the operator of fixed-odds betting to broadcast advertising or commercial advertising that:

II - convey unfounded statements about the odds of winning or the possible winnings that bettors can expect;

III - present the bet as socially attractive or contain statements by well-known personalities or celebrities that suggest that the game contributes to personal or social success;

IV - suggest or give room for it to be understood that the bet may constitute an alternative to employment, a solution to financial problems, a source of additional income or a form of financial investment;

VI - promote *marketing* in schools and universities or promote sports betting aimed at minors.

Paragraph 1 - It is forbidden to carry out any type of advertising or propaganda in physical or virtual media, without the notice of indicative classification of the age group targeted, as provided for in Law No. 8,069, of July 13, 1990 (Statute of the Child and Adolescent).

²⁵ Law No. 14,790/2023, Art. 12. The issuance of the authorization to operate fixed-odds betting will be conditional on the payment of the fixed amount of the concession consideration, as stipulated in the regulations of the Ministry of Finance.

Sole Paragraph. The amount stipulated as a fixed grant will be limited to a maximum of R\$ 30,000,000.00 (thirty million reais), considering the use of 3 (three) trademarks to be exploited by the legal entity in its electronic channels by act of authorization.

Article 23. The betting operator must adopt identification procedures that allow the validity of the bettors' identity to be verified, requiring the use of facial identification and recognition technology.

[...]

Paragraph 3 - The Ministry of Finance shall regulate the obligation for operators to develop effective systems and processes to monitor the activity of the bettor in order to identify damages or potential damages associated with gambling, from the moment an account is opened, observing the following criteria:

- I - bettor's expenses;
- II - spending patterns;
- III - time spent playing;
- IV - indicators of gaming behavior;
- V - contact led by the bettor;
- VI - use of gambling management tools.

Paragraph 4 - The Ministry of Finance shall regulate the obligation for operators to develop a resource to limit the time of use to be activated by the user, with at least the following options:

- I - 24 (twenty-four) hours;
- II - 1 (one) week;
- III - 1 (one) month; or
- IV - any other period that the bettor may reasonably request, up to a maximum of 6 (six) weeks.

Article 26. It is forbidden to participate, directly or indirectly, including by an intermediary, as a bettor, of:

- I - under 18 (eighteen) years of age;

[...]

- VI - person diagnosed with ludopathy, by a report of a qualified mental health professional;

Law 14,790/2023, consisting of 58 (fifty-eight) articles, which extend over many pages, reserved only the spaces indicated above to talk about specific care directed to bettors, in reference to the protection of their rights linked to mental and physical health and their financial stability, in addition to determining child protection actions, to adolescents and to people diagnosed with ludopathy²⁶.

It should be noted, however, in the critical manner previously proposed, that most of the care actions were delegated (1) to the operating company and (2) to the bettor himself, without any clear references to government responsibilities having been included in the legal text.

Despite the social acceptance of the example to be compared, leaving the control of the game time to the bettor's discretion is similar to writing "drink in moderation" on the

²⁶ See the website of the Pan American Health Organization (PAHO), accessible through the electronic address <https://www.paho.org/pt> linked to the World Health Organization (WHO/WHO), responsible for editing the International Classification of Diseases (ICD), which contains in its table the following linked subcategories: Z72.6 mania of gambling and betting and F63.0 pathological gambling;

bottle of alcoholic beverage to which an alcoholic (who drinks regularly) or an alcoholic (who no longer has control over the habit) will have access.

Likewise, relegating the monitoring of the bettor's financial investment and time to the betting platform itself, waiting for it to diagnose any damage to the person, sounds like outsourcing the responsibility for the management and collection of chicken coops to the main customer of a farm. This is because the legislation does not bring at least one path to what could be an analogy to the basics applied to any risk management system, as occurs with AML/FTP, through MSAC (Monitoring, Selection, Analysis and Communication) requirements.

The inescapable and sedimenting fact of the impacts was the time elapsed between the "liberation" of gambling in Brazil, as a result of Law No. 13,756/2018, and its regulation. It took 4 (four) years of free territory to foster the practices that are now aimed at stopping, such as the massive performance of *influencers*, the link to success and promises of significant gains, in addition to targeting children and young people, even with the participation of children in advertising, and the creation of playful and inviting virtual environments in the applications, with the use of 'pets'.

In the absence of regulation, anything was possible, and the market was operated by any companies that had the means to offer the application to the user/bettor, linking bets to any event in which the outcome could be at least binary:

The types of events you can bet on today are practically endless. It is possible to play online or in physical locations, betting on the Oscar winner, *e-sports*, Miss Universe and all known sports, from football to greyhound racing, in various types of card games and lotteries. In all modalities there is a risk that the bettor will develop a gambling disorder. (SANTOS, 2019, p.05)

Vital knowledge on the subject is that the current legislation²⁷ provides for how the deduction of taxes occurs and how this percentage is distributed. Of the proceeds of the collection, after deducting the amounts paid as prizes and taxes on these prizes, 88% (eighty-eight percent) are allocated to the betting operator to cover cost and maintenance expenses, and 12% (twelve percent) will have the destination determined by the government.

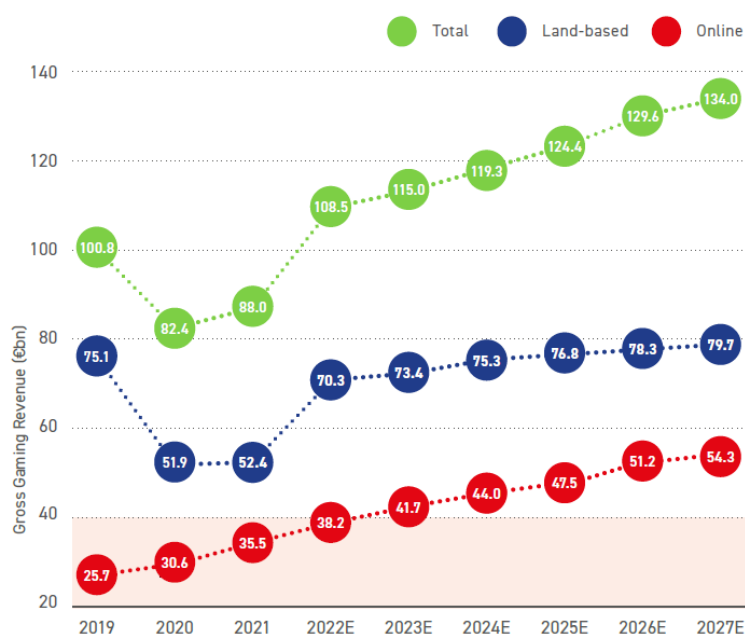
This collection product is named, in the market, *Gross Gaming Revenue* (GGR), that is, Gross Gaming Revenue, and represents the total amount bet by players (named in

²⁷ Article 30, paragraph 1, Law 13,756/2018, regulated by Law 14,790/2023

the market as *turnover*), subtracting the total value of prizes and rewards obtained by them. In markets where gambling platforms are consolidated, it is possible to identify GGR, as in the case of the European Union, where the *European Gaming & Betting Association* (EGBA)²⁸ published, until 2022, the quantities and comparisons of GGR obtained in the various countries of the European Union, where gambling is regulated.

The figures below show the total GGR, in gross billions of Euros, being the one realized until 2021 and the one projected until 2027.

Figure 1: European Gaming & Betting Association – EGBA. - Europe's gambling Market revenue (2019-2027E)



Source: Available at: <https://www.egba.eu/resources/factsheets-infographics/> Accessed on: 20 out. 2024

The same mapping shows the market share, in billions of Euros, with the percentage of insertion of each of the products (Figure 2), as well as a demonstration of the share of the products in each country (Figure 3).

²⁸ EGBA - European Betting Association, whose website is accessible at the address <https://www.egba.eu/resources/factsheets-infographics/>.

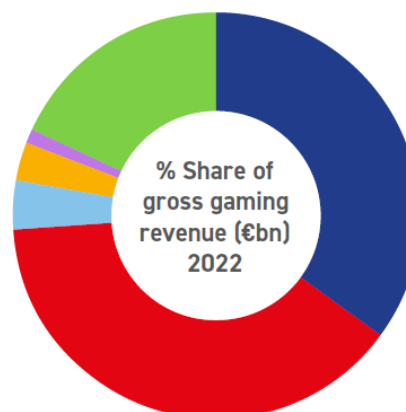
Figure 2: European Gaming & Betting Association – EGBA.- Europe's gambling Market revenue (2019-2027E)

Most popular online gambling products

In 2022, casino was Europe's most popular online gambling product by revenue, reaching €14,9bn gross gaming revenue and accounting for 39% of Europe's online gambling revenue. Sports and other types of betting were close behind, generating €13,6bn in gross gaming revenue and accounting for 35% of Europe's total online gambling revenue. Comparatively, EGBA members generate the biggest share (46%) of their online revenues from sports betting.

Sports and other betting	35%
Casino	39%
Poker	4%
Bingo	3%
Other / Skill Gaming	1%
Lottery	18%

*EU-27 and UK online gambling markets only.
Source: H2 Gambling Capital, December 2022.

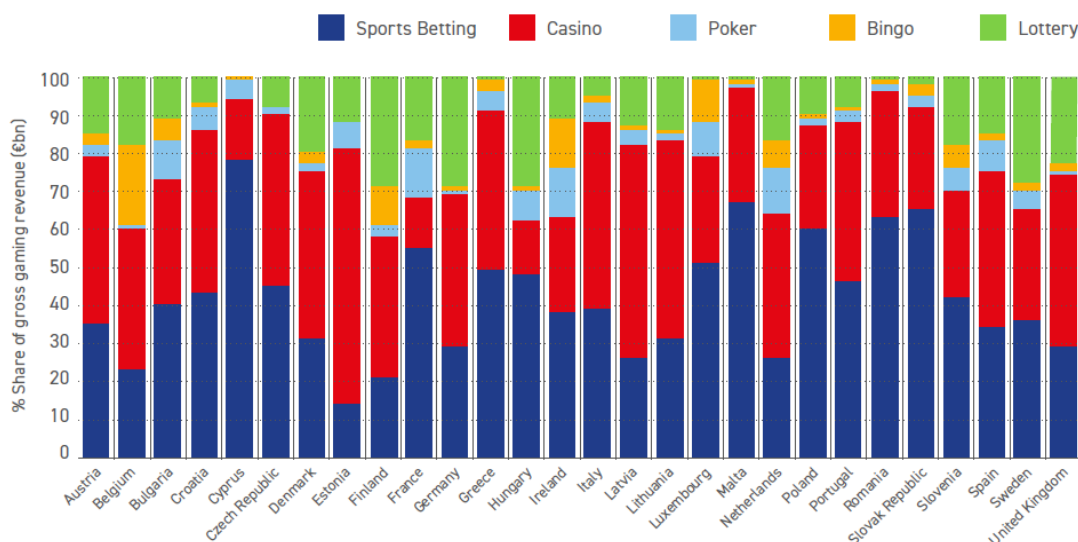


Source: Available at: <https://www.egba.eu/resources/factsheets-infographics/> Accessed on: 20 out. 2024

Figure 3: European Gaming & Betting Association – EGBA. - Europe's gambling Market revenue (2019-2027E)

Online gambling product shares of national gambling markets

In 2021, the online gambling product shares in Europe's different national gambling markets varied considerably. In Cyprus, online casino games and poker are both prohibited, but both products collectively accounted for 21% of the country's gross gaming revenue (all offshore). In France, online casino games are not permitted but accounted for 13% of the country's gross gaming revenue (all offshore).



*EU-27 and UK online gambling markets only.
Source: H2 Gambling Capital, December 2022.

Source: Available at: <https://www.egba.eu/resources/factsheets-infographics/> Accessed on: 20 out. 2024

It should be noted that even in these countries that are already regulated, the time of existence of fixed-odds betting (*Sport Betting*) in the betting market is much shorter than those with which it competes for the interest of the betting public. Even so, its insertion percentage is relevant.

As for the regulation in the European Union (2014), there is a General Recommendation valid for all countries, with clarity about the principles and with a view to protecting consumers and users of "online gambling services and preventing minors' access to games of chance", and directing each country to produce its specific legislation on betting, being more or less bold, depending on the culture and appetite of each nation.

One of the items of the Commission Recommendation (2014), for example, states that Member States should ensure that betting applications issue alerts, at regular intervals, informing the winnings and losses verified during the game, as well as alerts indicating how long the bettor has been playing uninterruptedly (p. 214/44, item 26). In addition, another item of the Recommendation (European Union, 2014) requires Member States to ensure that online gaming environments have procedures for interacting with players whenever their gaming behaviour presents a risk of developing a gambling disorder (p. 214/44, item 30).

Based on a study carried out by PwC Brazil (2024, p. 10), "developing countries observed rapid growth from 2020 onwards – and are the growth centers of the market in the world", with Brazil estimated *turnover* of R\$ 129.7 billion in 2024, obtaining a GGR of R\$ 11 to R\$ 16 billion.

These data come to the article to highlight the expressive amounts collected by this market and how much, undeniably, the strength of the economic field will be present in the operation of betting, with the power to become a vortex of financial resources, previously destined for other purposes, exposing bettors to a range of deprivations capable of affecting each of the intangible assets protected by Human Rights, not invited to the negotiating table, even though it is known that (Silva, Bandeira and Menezes, 2024, p. 07-09):

Today, Human Rights have an extension that ranges from individual freedoms – civil and political – to collective interests, which concern peace, cultural plurality and socio-environmental justice. The challenge is to guarantee them indistinctly in the most diverse possible contexts.

[...]

Without intersubjective cooperation, Human Rights tend to be more of an instrument of domination and oppression than of freedom and human autonomy.

The data that expresses how much the human being/bettor was excluded from the interests of the Legislation is contained in the delimitation of allocation of the 12% (twelve percent) of taxes collected on the proceeds of fixed-odds betting, consolidated in the spreadsheet below (100% of the 12%), Art. 30, §1-A, Law No. 13,756/2018:

Table 1: Art. 30, §1-A, Law No. 13,756/2018

Item	Percentage	Destination (does not contain all decompositions)
I	10%	for the area of education, according to an act of the Ministry of Education, being 6.5% for basic education schools and 3.5% for technical schools at the secondary level;
II	13,6%	for the area of public security
III	36%	for the sports area
IV	10%	for social security
V	28%	for tourism
VI	1%	for the Ministry of Health, for measures to prevent, control and mitigate social damage arising from the practice of games, in the areas of health
VII	0,5%	divided among the following civil society entities
VIII	0,5%	to the Fund for the Equipping and Operationalization of the End-Activities of the Federal Police
IX	0,4%	for the Brazilian Agency for Industrial Development (ABDI)

Source: Malonn (2024)

As stated by Trindade (1997, p. 169), in a text written 'on the threshold of the twenty-first century', about the dilemmas and challenges faced after 50 (fifty) years of the elaboration of the Universal Declaration of Human Rights: "It is inadmissible that economic rights, social and cultural." Adding to the inadmissibility the negligence of the rights to health and dignity.

The legislation and regulations are already in place, *bets* will start operating legally from 01/01/2025, but there is still a lot to be claimed and adjusted.

PERSPECTIVES FOR FIXED-ODDS BETTING

After the issuance of Law No. 14,790/2023, letting everyone know that betting "on gambling" had been regulated, the subject of *bets* became frequent on social networks, news, podcasts and in conversation agendas in the most diverse environments.

Not that it didn't exist, as it was a fact from 2018, and since then it had been quickly attracting gamblers and giving rise to tax evasion. But with the regulation, it gained contours of reality and Brazil, which prohibited the exploitation of betting and games of chance since Decree-Law No. 9,215, of April 30, 1946, began to validate the practice.

Among the 'recitals' of the aforementioned Decree, two motivations that led to the prohibition in 1946 stand out: (1) the repression of games of chance is an imperative of the universal conscience and, (2) the exceptions open to the general law resulted in abuses harmful to morals and good customs.

Aside from the possible uses of the flags of morality and good customs and the boastfulness of seeking a "national conscience", there remain the questions that, if brought

closer to Human Rights, can help to find answers to the possible, almost certain, repercussions of the practices released today, as follows.

Does our conscience as a nation-people-humanity-person accept games of chance and their consequences in the face of Rights? Is making exceptions for the regulated use of games of chance, with a multiplication factor and gamified access, an act from which abuses may arise, in the face of a spectrum of normality of practices?

About the discussions held over the decades, regarding legalities and regularities, about interests and protections, Cançado Trindade (1997, p. 176) taught:

At the end of this century, there is certainly a long way to go, a lifelong task. A faithful illustration of the obstacles facing the struggle for the international protection of human rights resides, in our view, in the myth of Sisyphus, in the undying reflections of one of the greatest writers of this century, Albert Camus. It is a job that simply has no end.

Today, October 22, 2024, when entering the *website* of the Scielo Brasil platform and searching in "All indexes" for the term "games of chance", 08 (eight) articles are located, 01 (one) of them does not deal with the topic researched here, 01 (one) of them is from 2012 and talks about the regulation of gambling, from the perspective of Law and 06 (six) are public health, psychology and psychiatry research dealing with pathologies associated with gambling. Anyone who researches the topic today goes in search of its negative repercussions for the health of bettors. The agendas on social networks, news and podcasts are not far from this theme: health is at risk. To include a pun of low quality, but total stickiness: health is at stake.

With initial announcements more linked to technicalities and financial destinations, as will be seen, the tone of the news from the Planalto was changed in the face of the scenario and pressures, and it is possible to follow, in the real time in which this essay is written, the movement described from now on, chronologically.

For example, on 05/07/2024, the Federal Revenue Service (Brazil, 2024a) reported the regulation of the taxation of fixed-odds betting, clarifying that RFB Normative Instruction No. 2,191/2024 disciplined, among other rates, the subjection of prizes to the incidence of 15% (fifteen percent) of the Individual Income Tax (IRPF).

After a long period without news covering the topic (in addition to those announcing the creation of secretariats linked to the Ministries of Finance and Sports) on 09/30/2024, the Secretariat of Social Communication (Brasil, 2024b) published news that the "Regulation of *betting* legislation makes activity safer in Brazil" and reports that

Ordinances of the Ministry of Finance have been published with the aim of preventing money laundering, the theft of data and the involvement of minors, prohibiting their access to gaming platforms.

With the escalation of national interest on the subject, on 10/03/2024 the Planalto (Brazil, 2024c) informed that the Government met with representatives of several ministries to discuss "measures to reduce the impacts of sports betting on the lives of Brazilians", in cases of dependence and indebtedness. This news emphasizes the speech of the President of the Republic, transcribed here: "There are a lot of people getting into debt, there are a lot of people spending what they don't have. And we think that this has to be treated as a matter of dependence. That is, people are dependent, people are addicted".

Other relevant data were referred to in the news (Brasil, 2024c), among which, (1) the fact that there are more than 2,000 (two thousand) betting platforms operating in Brazil, which will be blocked and must cease to operate in the country as of October 2024, with only authorized companies remaining, whose procedures have been addressed elsewhere, as well as (2) the statement of the Minister of Sport (Brasil, 2024c), in summary of how accessible the platforms are:

"[...] People had to go to physical structures to bet. Today this structure is in the pocket, in the hand of each one, which are cell phones, online games and bets. These structures demonstrate much greater accessibility than has ever been at any time in our country."

And, complement it, accessible and invisible, given the difficulty of identifying that a person in the cycle of coexistence is spending hours of his day in gambling, as he can do it with discretion, from anywhere, within reach.

In addition, four specific and controversial topics were present on the agenda of the reported meeting (Brasil, 2024c): Health, with reference to the fact that betting addiction is a serious public health problem worldwide; Money laundering and related topics, with situations of currency evasion, tax evasion, links with organized crime, irregular and illegal propaganda and advertising aimed at children and adolescents, all of which are related to the actions of the Federal Police and COAF; Bolsa Família, with attention to the vulnerable population, since according to studies cited, 52 million Brazilians say they play; and Compulsion, in order to carry out preventive and educational actions, in addition to ensuring treatment for people who have compulsion to gamble.

At this point, do not lose sight of the critical analysis and the information that only 1% (one percent) of the 100% (one hundred percent) of the rate resulting from games of chance received by the Government, as provided for by law, will be allocated to measures to prevent, control and mitigate social damage arising from the practice of games, in the areas of health.

Psychiatrist Rodrigo Menezes Machado, when heard by Jornal da USP (2024b) asserted, based on studies carried out in countries where *online* betting is allowed, about the possible impacts that the legalization of gambling can cause to the public health system in Brazil:

[...] Data from countries that have already adopted the legalization of these devices have shown that the demand for specialized care can increase by up to four times.

[...]

We understand that this new measure can bring potential financial benefits to a country, obviously this must happen. However, for this to actually happen, it is necessary for countries to be properly prepared and structured, with a very adequate action plan on how to provide health care for this population and how to train professionals to deal with these new patients.

[...] the lack of national training is a central problem, because in Brazil, the levels of health care — primary, secondary and tertiary — are insufficiently prepared to deal with gambling addiction.

[...] Gambling addiction is characterized by compulsive behaviors and loss of control, similar to other types of addictions. Symptoms include increasing tolerance, withdrawal symptoms, and functional impairments in various areas of life, such as social, family, and financial.

[...] Just as effective campaigns have been carried out to combat smoking, awareness campaigns about the risks of gambling are essential [...] education and prevention are investments with a high return on public health, and that it is necessary that public policies and educational campaigns accompany the legalization of gambling to minimize the negative impacts on the health of the population.




Regarding the population's impact on gambling, the data presented in a study carried out by PwC Brazil (2024, p. 17) are clear, when it showed the growth in the percentage of bets between 2008 and 2023, especially if classes D and E are observed:

In classes C, D and E, part of the money that used to be directed to savings (52% of respondents), bars, restaurants and delivery (48% of respondents) are now used for betting, as well as purchases of clothes and accessories (43% of respondents) and cinemas, theaters and concerts (41% of respondents), according to data from Instituto Locomotiva.

It is clear that there is a redistribution in the allocation of resources by families. In addition to the reduction in purchasing power, the growth of bets also contributed to this redistribution.

When we break down the analysis by social class, we see an even greater impact. While the share of betting in the average household budget has tripled in the last 5 years, in classes D and E it has increased 4.2 times. This highlights the importance of these classes in the growth of sports betting, and the even greater impact for the other consumer categories in this social class.

Figure 4: Brazilian consumer spending by category

	2008	2018	2023	△ 08-18	△ 18-23
 Alimentação	Brasil 16,1%	Brasil 14,2%	Brasil 15%	-12%	+5,6%
	A-B 10,9%	A-B 9,8%	A-B 10,6%	-10%	+9,1%
	C 18,9%	C 15,7%	C 16,2%	-17%	+3,6%
	D-E 26,2%	D-E 20,4%	D-E 20,6%	-22%	+0,73%
 Lazer e cultura¹	Brasil 1,63%	Brasil 2,07%	Brasil 1,84%	+27%	-11%
	A-B 1,78%	A-B 2,23%	A-B 2,03%	+26%	-8,9%
	C 1,59%	C 2,06%	C 1,82%	+29%	-11%
	D-E 1,22%	D-E 1,73%	D-E 1,50%	+41%	-13%
 Apostas²	Brasil 0,22%	Brasil 0,22%	Brasil 0,73%	-1,8%	+236%
	A-B 0,17%	A-B 0,15%	A-B 0,36%	-11%	+134%
	C 0,27%	C 0,25%	C 0,77%	-4,5%	+202%
	D-E 0,26%	D-E 0,27%	D-E 1,38%	+2,1%	+419%

Source: Available at:

https://www.strategyand.pwc.com/br/pt/relatorios/impacto_apostas_esportivas_consumo_pub_strategy_2024.pdf Accessed on: 21 out. 2024

With less than 02 (two) months to go before Brazil is one of the countries in which the *betting market* will operate in a regulated manner, the "CPI das Bets" was approved in the Federal Senate, on 10/08/2024. Request No. 680/2024, submitted on 09/04/2024 has the following summary:

We request, pursuant to article 58, § 3, of the Federal Constitution and arts. 74, III, and 145 of the Internal Regulations of the Federal Senate, the constitution of a Parliamentary Commission of Inquiry composed of 11 (eleven) full members and 7 (seven) alternate members, to, within 130 (one hundred and thirty) days, with an expense limit of R\$ 110,000.00 (one hundred and ten thousand reais), investigate the growing influence of virtual online betting games on the budget of Brazilian families, in addition to the possible association with criminal organizations involved in money laundering practices, as well as the use of digital influencers in the promotion and dissemination of these activities.

The aforementioned CPI will be installed after the end of the restrictive period, in force for the completion of the municipal elections, whose second round will take place on 10/27/2024. It was reported that the installation, election of president and vice-president, and appointment of the rapporteur would take place on 10/25/2024, however, on the night of 10/24/2024, Senator Otto Alencar decided to postpone the meeting, as on Fridays the Senate does not hold face-to-face sessions.

And it is in this scenario – in which *bets*, without megalomaniac rhetoric, have taken over all continents – that Alves (2012, p. 84) is remembered, when the author states "It is necessary to save human rights from the discredit in which they are found all over the world" because people are in the background, kept out of the main discussions that take place in the agendas that debate *bets*.

FINAL CONSIDERATIONS

Fixed-odds betting is a fact. In Brazil, they are legalized, regulated, and, in practice, operating in the market since 2018 and generating their most varied effects. Gambling, driven by promises of gains within the reach of a click, fostering dreams of enrichment, serving some as an environment for gains in advertising and fame, while reaching others with losses that are difficult to repair.

For some bettors, sports betting is just another option for fun, a way to, for example, favorite your team and root twice for the result to be positive. Other bettors will test the *bets* just to get to know it, they won't see anything too much and will put the practice aside. There are those who will use online betting as a way to occupy time and stimulate adrenaline. And some people will enter the *betting market* as someone seeking financial salvation, betting everything they have, sometimes what they don't have, to obtain the desired financial fulfillment and the achievement of wealth.

To achieve the objective pursued and satisfy the research problem, that is, to identify how the regulation of bets took place, as well as the consequences of the implementation of the betting market, from the perspective of Human Rights, elements were sought in various research sources: books, articles, market diagnoses, audit findings, journalistic articles and official communications. The material compulsed was verified in a critical and attentive way, the same look that was proposed to the readers of the article, in order to find (or not) sparks of Human Rights in each 'fraction' of the procedures that led to the 'whole', today represented by the fixed-odds betting market.

As already mentioned, the essay that closes has the purpose of shining a spotlight and shining them at the fixed-odds betting market in order to look at it, without obscurity, from its transversal themes, which transit – in general and in particular – through the human being and his dignity. The debate needs to be encouraged so that the weaknesses of the online betting market are pointed out and can receive adjustments, in the direction of observance and interaction with Human Rights.

Many will be challenges. Faced with a highly profitable practice that flirts with countless human passions, acculturation will be costly and gradual, based on mistakes and successes. And to assist in the qualified advancement of the practice of 'sports', science, research, experienced practices and, ultimately, human rationality, focused on the social space and the most basic, most fundamental and most human guarantees, will be available.

Researchers will be observing the environment, testing changes, applying criticism, analyzing society, confronting laws and defending just rights. The matter will not be lost in the march of time and the search to record and understand the facts will continue, in order to deal with this matter of great affectation through many biases. Everything said so far is only an enunciation of the future and its reflections, to be explored, explained and interpreted critically, with an eye on human rights.

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