

# The legal protection of children and adolescents from crime and violence mediated by ICT

A look into the penal framework in 10 countries of  
Latin America

Análisis of findings from a study carried out by REDNATIC, October 2013

Milena Grillo R. Executive Director  
FUNDACION PANIAMOR COSTA RICA

## Contents

- Context and outreach
- Methodological steps
- Main findings for the Region
- So little done... so much to do
- Ways forward
- Where are we in Costa Rica and where we might be heading from today on....
- A big thank you!!!!

# Context

# Argentina

# Chile

# Colombia

# Costa Rica

# El Salvador

# México

# Paraguay

# Perú

# Uruguay

# Venezuela

## Main selection criteria:

the existence of national policies or programs oriented to democratization of ICT and/or its incorporation as tools for social progress in the framework of poverty/social exclusion alleviation programs



# Outreach

Penal Codes and special laws regulating the protection of children and adolescents, where...

the use of ICT is expressly referred to or may be fairly deducted from, or...

the healthy development  
of their sexuality is  
protected, or...

their personal rights –  
image, identity, name- are  
protected



# Methodological steps

- Exhaustive online research national international legal data bases

1

- Compaired analysis

2

- Consultation with key institutional and social actors at country level

3

# Main findings

Only Venezuela reports a chapter under a special law – Special Law against Cyber Crime, of 2011- addressing the protection of children against commercial sexual exploitation mediated by ICT

At any one time this could...

be syndicated as a practice contradicting the principle of restrictive interpretation, very on to criminal legislation, and always claimed and applied to the benefit of the accused party.

be subjected to the discretionality of law operators in positions of power within the system that enable them to decide on the issue.

The other 9 countries resort to extensive interpretation of penal norms enacted for the protection of sexual crimes

prove to be insufficient to respond to the dynamics of the ICT universe, and its continued and accelerated evolution.

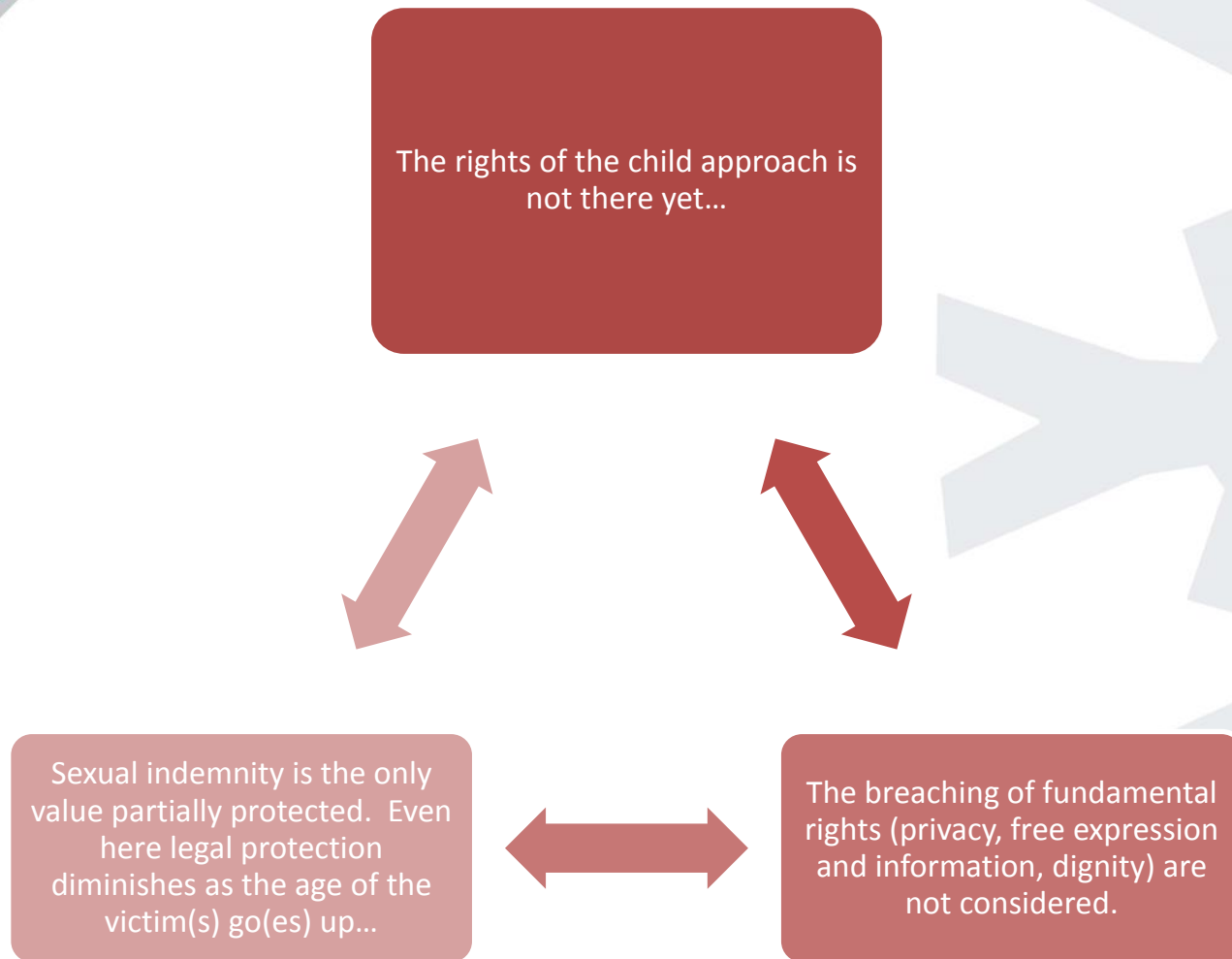


Easy Little boy... don't cry. Your address is?  
littlejohn@gmail.com



**MAKING THIS SIDE OF THEIR WORLD, A BETTER PLACE!!!!**

# So little done... so much to do





Establish explicit protection via  
Chapter under the Criminal  
Code  
(Punitive approach)

Introduce a dedicated chapter  
under special laws – legislation  
against cybercrime  
(Citizen security approach)


Ways forward...

Promote a knowledge-based, fresh-  
new, special integral legislation for the  
protection of children rights against  
violence and crime mediated by ICT

Encompassing prevention,  
attention (victims), sanction  
(offenders); assigning  
institutional mandates;  
providing for public funding  
(Child rights approach)



Where we are and where might  
we be heading, in Costa Rica...



# We are here...

- Law Project No. 18230 introduced to Congress late 2011, drafted by PANIAMOR, research-based, aimed to reform Penal Code substantially
- Revised text --strengthened from its original version through serious of institutional consultations 2012-2013-- expected to be known by the new legislative body October 2014, with full support of all but one of the parties represented.
- High possibilities for the country to have a good penal legislation addressing the issue by the end of 2014.

# Where might we be heading...

- Take advantage of the July-September impasse to draft, in consultation with key political and social partners, a new Project of law “Special integral law for the protection of children and adolescents rights to a safe, responsible and productive use of the information and communication technologies.”
- Mobilize support within the Legislative Congress to substitute law reform initiatives before the current law project reaches votation stage
- Start a new advocacy strategy and expect to have a much better piece of legislation approved by 2015...

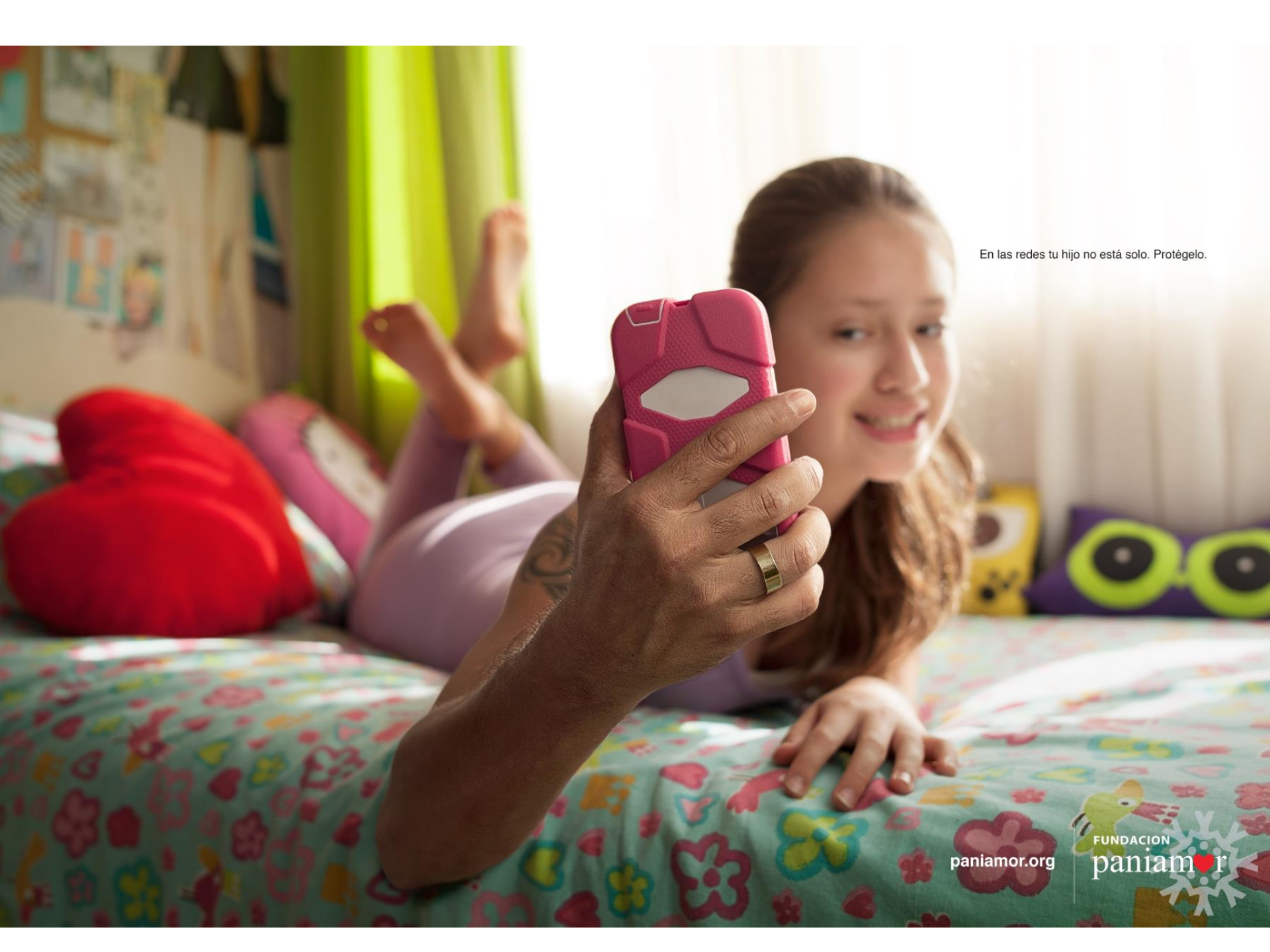
Contact:

Milena Grillo Rivera

Excutive Director

[milena@paniamor.org](mailto:milena@paniamor.org)





En las redes tu hijo no está solo. Protégelo.

[paniamor.org](http://paniamor.org)





En las redes tu hijo no está solo. Protégelo.

paniamor.org





En las redes tu hijo no está solo. Protégelo.

paniamor.org

