

REGIONAL REPORT

“Guidelines for Empowering and Protecting Child and Adolescent Rights on the Internet in Central America and the Dominican Republic”

EXECUTIVE SUMMARY



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EXECUTIVE SUMMARY



Recent generations were born into a world where Internet access is no longer considered a privilege, but rather, according to the United Nations (UN), a human right. This is owing to the many opportunities the Internet affords in the economy, democracy, and education, among other areas.

However, this Internet hyper-connectivity creates not only potential but also a range of complex problems substantially impacting minors. This study discusses two specific problems: on the one hand, the challenge of making the right to Internet access universal due to an intersection of social and economic factors and inequalities, creating digital divides; and on the other, promoting and protecting the rights of children and adolescents from unsafe web browsing.

a. Digital divides

Latin America and the Caribbean is, in general, a region where the digital divide is much in evidence. Children and adolescents from disadvantaged households or attending school in marginalized areas that lack facilities or services for Internet connectivity are being denied their right to benefit from the Internet's potential. The digital divide is therefore exacerbating inequalities in access

to information and knowledge, in socializing with others, and in the use of tools for coping in society and entering its productive life. The digital divide overlaps with variables such as poverty and other factors of exclusion (such as race, gender, disability, lack of digital skills, insufficient relevant digital content available to the local population, affordability, etc.). It should be noted that the gender digital divide is a reflection of the social inequalities of gender in families, schools, and other arenas. It also finds expression in the differences among individuals in terms of abilities and skills to access computer equipment and programs and to use the resources of the new technological paradigm. In sum, the region's digital divide and its implications are but a manifestation of deep-rooted structural inequality and an amalgam of social problems in the countries of the region.

b. Risks

A whole universe of possibilities, the Internet serves as a means of delivering on the rights of minors, articulated in the Convention on the Rights of the Child (CRC), whereby they can express themselves, access information, join groups, enjoy video games, etc.



Internet access and use by minors is a learning process tool because it produces skills and capacities. The Internet is also a vehicle for promoting democratic participation by minors, as they can use their social media (Facebook, Twitter, etc.) – in which they are active members – to learn about and discuss issues of interest to them or issues affecting their rights.

Nevertheless, minors are extremely vulnerable in cyberspace since in general they first come into contact with the Internet not in safe environments, such as their schools or homes but instead log on from cyber cafés, smart phones, computers, or other mobile devices without a responsible adult supervising or guiding them. They may also be vulnerable to all kinds of violations of their rights and become victims of illegal or criminal behavior such as identity and information theft, pedophilia, extortion, grooming, and cyberbullying, among others.

Taking into account the interplay of the problems outlined above, the OAS General Secretariat, through the Department of Social Inclusion of the Secretariat for Access to Rights and Equity (SARE), and the Inter-American Children's Institute (IIN), with support from the Spanish Cooperation, in collaboration with the lead institutions working on behalf of minors of Costa Rica, Dominican Republic, El Salvador, Honduras, and Panama¹, have decided to step up their work in this field. Accordingly, the following were put forward as the aims of the project "Guidelines for Empowering and Protecting Child and Adolescent Rights on the Internet in

Central America and the Dominican Republic," or Conectad@s²:

To contribute to beneficiary country efforts to ensure digital inclusion of minors, taking the necessary protective steps to empower them and to protect their Internet rights.

👉 To build the capacities of the Central American and Dominican Republic authorities responsible for protecting the rights of minors, providing them with tools for digital inclusion and taking into account measures to protect them during Internet access and use.

The Conectad@s project took a cross-cutting, participatory approach to methodology – cross-cutting, because it combined different information-gathering techniques, such as surveys, questionnaires administered to key respondents, and secondary sources (specialized bibliography, laws, projects, etc.). The project was also highly participatory in that it sought to include the study subjects themselves – minors and other stakeholders similarly involved, such as authorities, institutions of participating states, parents, and teachers – in different forums. They were included through workshops in the countries themselves. These workshops served to organize the participants' recommendations and validate the information gathered earlier through surveys.

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- 1 For reasons unrelated to the execution of this project, Guatemala and Nicaragua could not take part. Guatemala was partly involved in certain preliminary activities.
 - 2 This was the user-friendly name by which the project was known to minors, parents, and other authorities who took part in the field activities.

01 • Why Central America?

Profiles of the participating countries

Costa Rica, Dominican Republic, El Salvador, Honduras, and Panama display characteristics that exacerbate high levels of vulnerability for minors. First of all, these countries are part of a region with a large percentage of citizens under 18. A lack of opportunities puts them at risk of falling into extreme poverty, considering that more than 40% of the population of Latin America and the Caribbean lives below the poverty line. Among the countries in the project, these figures are most pronounced in Honduras, where 75% of the rural population lives in poverty and 63% in extreme poverty; and in Guatemala, with 54% of the rural population living in poverty. In Nicaragua and El Salvador as well, 47% of the rural population lives in poverty; while 37% of the rural population in Panama and 23% of the rural population in Costa Rica lives in poverty. Meanwhile, the countries in this group – especially Honduras, Guatemala, and Panama – rank among the countries with the worst inequality in the world.

These countries, furthermore, make up a subregion that is among the worst affected by the digital divide. According to one measure, taken by the Economic Commission for Latin America and the Caribbean (ECLAC) Regional Broadband Observatory (ORBA), Nicaragua, El Salvador, Guatemala and Honduras, in that order, have the lowest home Internet access rates in the Hemisphere. Although progress has been made in these countries (with the exception of El Salvador), that growth is driven by greater mobile penetration. The mobile revolution has become an important factor in bridging digital divides in developing countries,

although this technology does not necessarily mean all of the opportunities afforded by home broadband connections are available; added to this, schools are providing limited Internet access. According to a 2016 Network Readiness Index school Internet access ranking of 138 countries, the project countries ranked very low: Panama (52), Costa Rica (53), Honduras (82), Guatemala (98), El Salvador (99), and Dominican Republic (108).

Another important aspect of Internet access inequality is territoriality, with web penetration for homes located in rural areas continuing to lag seriously behind. This is relevant to indigenous people and people of African descent living there – both being especially vulnerable groups. Ultimately, the digital divide is but another dimension of inequality in terms of capacities and access to social protection and public goods, such as quality education and information and communication technologies (ICTs).

Lastly, a series of cases have been observed, involving violations of the rights of minors and of behaviors that could result in possible crimes against them in cyberspace due to unsafe navigation, which are not necessarily regulated within the legal framework due to the existence of gaps or lack of definition of the crimes. Therefore, the norms are not precisely responding to or reflecting the protection required for children and adolescents against these threats.



02• Children and adolescents in the digital age

According to the 2015 Human Development Report, 45% of total Internet users worldwide were under age 24. According to the Barometer of the Americas, in Latin America and the Caribbean, the percentage of total users who are aged 14 to 30 is considerably higher. Children and adolescents have been dubbed “digital natives,” not only because they were born during the heyday of the Internet and information and communication technologies and are heavy users of digital media and tools, but also because they internalize them in their cognitive processes (i.e., their way of seeing and understanding reality).

However, children and adolescents in Latin America may, in turn, be considered “digital orphans,” insofar as they grew up during the ICT and Internet revolution and learned to use these tools and networks without adult assistance or support. One in four children in Latin America claims not to have learned to use the Internet with any adult guidance. Children and adolescents are learning to use the Internet through their friends, in highly vulnerable spaces such as cyber cafés – used by 68% of children and adolescents in Peru and by 62% in Mexico. For Brazil, the figure is 35%; for Chile, 29%; Guatemala, 47%; and Uruguay, 23%.

The aim of the Conectad@s project was to survey 526 children and adolescents from the participating countries, in order to identify a variety of factors – including use, risks, and ways children and adolescents themselves perceived they could protect themselves – based on the following questions:

- ▶ What are children and adolescents doing and how do they behave? The data show that children and adolescents see the Internet primarily as a source of entertainment: to be used for social media, music, videos, and video games. None mentioned any use necessarily adding value or contributing to their studies. That is, children and adolescents are creating Internet logic based on use and enjoyment, but do not view the Internet as a tool enabling them to build capacities going forward.
- ▶ What threats do children and adolescents face online? Some risks threatening the rights of children and adolescents on the Internet include cyberbullying, flaming, grooming, online sexual exploitation, sexting, and sextortion. These threats, and lack of public policies to address them, directly undermine the effectiveness of articles of the above-mentioned CRC, specifically Articles 16, 17, 19, and 34. In replying to the Conectad@s project questionnaire, children and adolescents mentioned being aware of some threats, especially cyberbullying (56%) and sexting (21%). However, they were less familiar with the terminology for other threats, such as grooming. During workshops in the participating countries, some minors said they had even been victims, although they were not necessarily familiar with the terminology for the threats they encountered.



👉 How can minors be protected online? According to the findings of the Conectad@s project, children and adolescents in the region are quite aware of the threats encountered in Internet use. But there is still a need to educate those not so aware of the dangers on the web in order to ensure their safety without affecting their democratic


rights as citizens of the Americas. In general, minors in the countries where the study was conducted understand the importance of protecting their personal information (for example, a total of 78% replied that they did not share their personal information).

03• Best practices in digital inclusion, and promotion and protection of the rights of minors

Best practices are understood to mean the set of plans, programs, projects, experiences, and/or legal frameworks being adopted and implemented by state institutions or private entities with positive results. Such practices are valuable and may be replicated with positive results in other situations because they are designed either to promote and protect the Internet rights of minors or for the digital inclusion of this group. This section contains a compilation of these best practices based on the questionnaires sent out to institutions working with children and adolescents. In the interest of clarity, these practices have been grouped under three specific thematic areas or pillars:

👉 Inclusion of children and adolescents.

This relates to any public initiative based on the 1-to-1 model, designed to bridge digital divides and promote safe ICT use. The six cases studied show that national plans were in place, either specific plans or plans included in more general development plans, designed to bring about greater digital inclusion and promote Internet access. Three types of approaches were identified: digital agendas; national or sectoral plans or programs; and specific public policies. Among countries that had developed digital agendas as legal and thematic frameworks to guide public policy were the Dominican Republic and Honduras. Another type of



instrument is the plan or program. These are used to implement digital agendas and, although not always the case, they are a more pragmatic and mandatory way of generating specific public policies. The Dominican Republic, Panama, Guatemala, Costa Rica, and El Salvador have specific plans. Some countries, such as Costa Rica and El Salvador, also have specific public policies now in implementation. Costa Rica created the *TECNO@PRENDER* program to promote ICT use in classrooms. El Salvador created a national policy for connectivity, communications, and educational technology use that also includes ICTs in education centers.

👉 **Promotion of the rights of minors.**

Programs and/or campaigns that promote the Internet rights of minors. In the six countries, two main types of programs or campaigns were identified: for the creation of tele-centers (with different names and free Internet access from certain places, especially schools); and policies to boost educational achievement and improve training on Internet-related topics.

👉 **Protection of minors.** This pillar contains legislation to protect minors when they are on the Internet. All countries have in place three basic standards used to protect the rights of minors: the national Constitution as the source of specific rights; codes; and laws on minors. The latter generally focus primarily on the right to information, protection against inappropriate content, confidentiality, the right to reputation and dignity, and the right to privacy (except Costa Rica). Another feature common to all cases is that offenses have been defined in the Penal Code. For example: sexual exploitation (Dominican Republic), invasion of privacy (Dominican Republic, Panama, and Guatemala), dissemination of images without consent (Dominican Republic), public defamation (Dominican Republic), sex tourism (Panama and Honduras), and child pornography (Costa Rica). Lastly, as regards specific legislation in this area, laws were in place in El Salvador, with its cybercrime law, which includes sexual assault against minors; in Costa Rica, with its special law for the protection of the rights of minors in cases of violence and crime in the use of information and communications technologies; in Honduras, with its law against school flaming and bullying; and in Dominican Republic, with its Law No. 53-07 on High-Tech Crimes and Offenses.





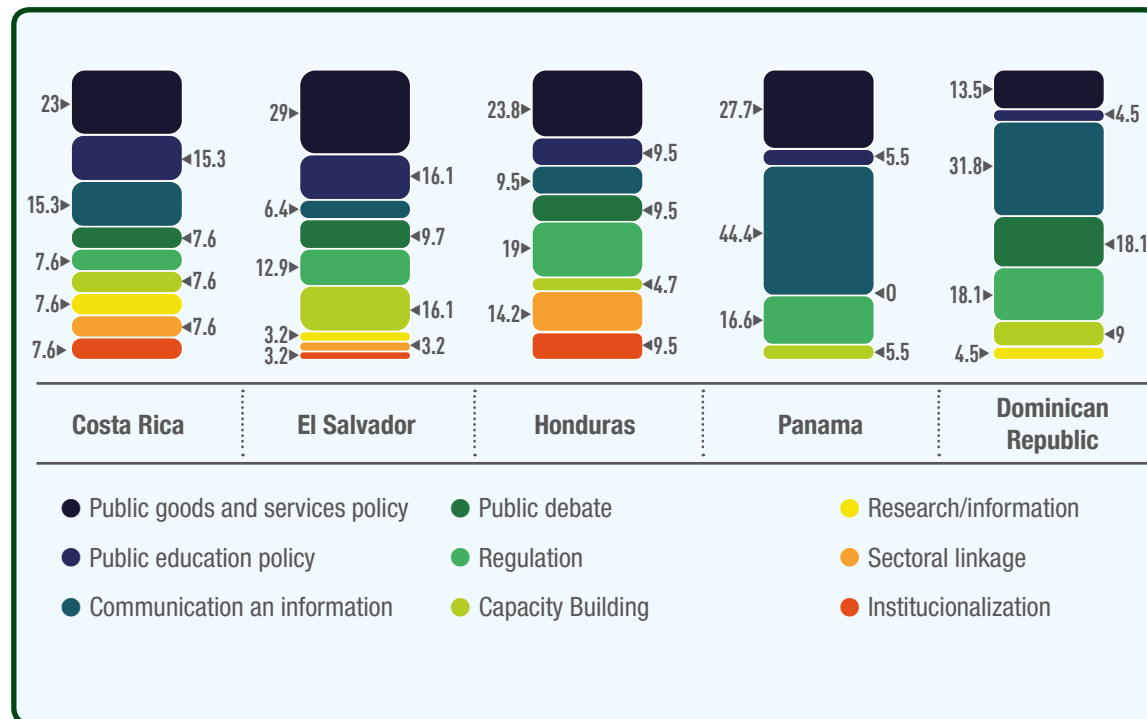
04• Digital divide and protection of Internet rights: Responses from the region

The workshops organized in the five Conectad@s project countries afforded opportunities for dialogue and discussion among minors and adults from different backgrounds, who together developed specific intergenerational recommendations for use in decision-making and as guidance for future actions at several of the levels involved in strengthening the rights of minors. Altogether, about 160 different recommendations were put forward, focusing on the following thematic areas:

- 1> Promotion and protection of the Internet rights of minors;
- 2> Bridging the digital divide;
- 3> Strengthening institutions responsible for promoting and protecting the rights of minors.

Against the backdrop of these issues, the recommendations were grouped according to type of demand to which they referred. First of all, most demands in all of the countries may be addressed by creating public policies; secondly, by conducting more communication and information campaigns, especially in Panama (44%) and Dominican Republic (31%); and, thirdly, by education policy and capacity building.

Types of demand to which recommendations refer



Source: Prepared by GS/OAS for this study

Summarized below are some of each country's recommendations³:

→ COSTA RICA



THEMATIC AREA	RECOMMENDATIONS
Promotion and protection of the rights of minors	<ul style="list-style-type: none"> Generate more information that can be disseminated through civil society training materials and/or social media. Strengthen institutions with a view to conducting campaigns and research, preparing public policy proposals, and other actions. Strengthen the regulatory framework around protection of minors in virtual environments.
Digital divide	<ul style="list-style-type: none"> Take concrete action to promote access to technology by lowering taxes on it. Include hardware, insofar as it is necessary for Internet access, as a basic right. Expand access infrastructure and increase public connection points.
Institutional strengthening	<ul style="list-style-type: none"> Build capacities for handling cases of violation of Internet rights of minors. Conduct research on the subject of Internet access, use, and ownership by children, adolescents and their families. Foster political will through efforts to ensure ownership of the topic by authorities and inclusion of it in their government plans.

Source: Prepared by GS/OAS, based on the surveys and field work conducted for this study.

³ For the complete version the table above, see the annexes to the Regional Report (available in Spanish only).

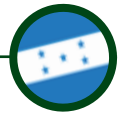




THEMATIC AREA	RECOMMENDATIONS
<p>Promotion and protection of the rights of minors</p>	<ul style="list-style-type: none"> ➤ Promote a culture of rights, emphasizing freedom of thought and expression, privacy, and safe Internet access. ➤ Conduct State and corporate campaigns to promote awareness of threats to the Internet safety of children and adolescents. Develop ways to control and block pages with harmful content or that endangers minors. ➤ Strengthen the regulatory framework around protection of minors in virtual environments.
<p>Digital divide</p>	<ul style="list-style-type: none"> ➤ Expand free Internet services in strategic locations, such as schools and plazas, but also in socioeconomically disadvantaged locations, such as some rural areas. ➤ Develop capacities of children and adolescents by including in school curricula subject matter on their rights, and through informative talks in education centers, including parents in those talks.
<p>Institutional strengthening</p>	<ul style="list-style-type: none"> ➤ Channel corporate social responsibility resources toward strengthening institutions. ➤ Promote the development of ICT capacities among teachers, and facilitate access to educational content, information, and knowledge.

Source: Prepared by GS/OAS, based on the surveys and field work conducted for this study.





THEMATIC AREA	RECOMMENDATIONS
<p>Promotion and protection of the rights of minors</p>	<ul style="list-style-type: none"> ➤ Include topics such as cyberbullying, grooming, sexting, sextortion, and others in curricula. ➤ Generate citizen self-training mechanisms with support from institutions and organizations. ➤ Create a specific framework law for the protection of minors during their Internet use.
<p>Digital divide</p>	<ul style="list-style-type: none"> ➤ Provide the Internet in rural areas and promote greater access by excluded populations impacted by other ethnic, territorial, and gender divides. ➤ Provide education centers with more ICT equipment, and provide access to devices and Internet connection points. ➤ Generate training programs for children, adolescents, parents, and teachers.
<p>Institutional strengthening</p>	<ul style="list-style-type: none"> ➤ Create a specific framework law to provide greater protection for minors. ➤ Prepare a mapping of institutions, organizations, NGOs, and companies working in one or another way with minors with the aim of strengthening them, coordinating efforts, and providing additional support. ➤ Increase specific financial resources for actions related to Internet access and use by minors.

Source: Prepared by GS/OAS, based on the surveys and field work conducted for this study.





THEMATIC AREA	RECOMMENDATIONS
<p>Promotion and protection of the rights of minors</p>	<ul style="list-style-type: none"> ➤ Develop laws for the prevention and protection of minors against Internet crimes such as sexting, grooming, cyberbullying, sextortion, and others. ➤ Restrict Internet access by minors to pornographic web pages and inappropriate content. ➤ Include in school curricula aspects of building capacities for Internet use. ➤ Strengthen the regulatory framework around protection of minors in virtual environments.
<p>Digital divide</p>	<ul style="list-style-type: none"> ➤ Expand Internet coverage, especially in rural areas. ➤ Expand the “Internet for all” program and update equipment and devices provided to education entities. ➤ Create training programs for children and adolescents and their parents. Lastly, provide more Internet access in parks, plazas, and public places.
<p>Institutional strengthening</p>	<ul style="list-style-type: none"> ➤ Prepare an interinstitutional plan for the coordination of actions, establishment of goals, and identification of thematic areas. ➤ Encourage organizations and media outlets to conduct prevention campaigns on Internet threats to children and adolescents. ➤ Update technological equipment and create additional web content controls and restrictions.

Source: Prepared by GS/OAS, based on the surveys and field work conducted for this study.



→ DOMINICAN REPUBLIC



THEMATIC AREA	RECOMMENDATIONS
<p>Promotion and protection of the rights of minors</p>	<ul style="list-style-type: none"> ➤ Revise the legal framework to strengthen the protection of minors, for example, by defining and characterizing crimes and threats, and, in turn strengthen the regulation of Internet centers and cybercafés. ➤ Generate and distribute informational materials on crimes and actions to which minors are vulnerable that indicate the competent authorities to approach in cases of risks and/or threat. ➤ Build capacities among competent authorities and entities so that they are prepared to handle all types of cases. ➤ Channel corporate social responsibility resources toward programs for the protection of minors. ➤ Strengthen the regulatory framework around protection of minors in virtual environments.
<p>Digital divide</p>	<ul style="list-style-type: none"> ➤ Generate Internet access in all public schools. ➤ Develop digital security training programs for students, updated each year. ➤ Increase the number of “digital rooms” that may be accessed free of charge. These must, however, have the necessary security measures. ➤ Create digital literacy programs for families. ➤ Develop special training and access programs for persons with disabilities.
<p>Institutional strengthening</p>	<ul style="list-style-type: none"> ➤ Follow-up by National Children’s Council (CONANI) authorities, on public prevention and Internet use policies. ➤ Train institutional personnel on digital crimes and security. ➤ Create information and awareness campaigns.

Source: Prepared by GS/OAS, based on the surveys and field work conducted for this study.



DECÁLOGO:
Usar consciente y adecuadamente el Internet.
Controlar el tiempo de uso en el Internet.
Informarse acerca de las ventajas y riesgos.
No hablar ni aceptar solicitudes de amistad.
Controlar el perfil de la información.

Internet.
Ejemplo: chats.
Redes sociales o Internet.
Contenido violentos. (fotos, videos, etc)
Ciberacoso, abuso, grooming, etc) ante las
Redes sociales, violencia, bullying).
Internet y de las redes sociales.



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05• Proposals from the OAS and the IIN

Based on the information compiled and analyzed, the OAS General Secretariat, through its Department of Social Inclusion, and the Inter-American Children's Institute (IIN), offer the following guidelines for authorities of the participating countries, which are based on a social inclusion and human rights approach and take in to account the vulnerability of children and adolescents, especially those from traditionally excluded groups.

Given the particular vulnerability of girls and teenage girls online, the OAS and the IIN stress the importance of placing special attention on the protection and promotion of their rights when considering the following proposals.

Proposals for Public Policy Coordination

- ✎ Generate differentiated public Internet access and use policies for minors. These should be aligned with the international legal framework and, to the extent possible, not only aim at increasing connectivity but also promote education and training. Policies might be directed towards, for example, providing more connections in schools or libraries so that more minors can access the Internet, but in safer environments and specifically for searching for relevant information to boost their scholastic achievement and even for conducting research.

- ✎ Coordinate access and connectivity policies with policies on security and national civil codes, and possibly even amplify those codes.

Proposals on Public-Private Partnerships and Interinstitutional Linkages

- ✎ Strengthen collaboration and public-private partnerships with a view to the protection of minors. Telecommunication, Internet services, and Internet content companies have major responsibilities because they serve as information intermediaries and providers of access to specific content.
- ✎ Strengthen interinstitutional linkage among all public entities whose responsibilities include ensuring protection of the Internet rights of minors (lead institutions working on behalf of minors, lead telecommunication institutions, ministries of education, law enforcement, judicial officers, etc.). It would be useful for these institutions not to answer to a single entity but to work simultaneously on different fronts: education, security, and infrastructure, among others. Another suggestion is to create interinstitutional committees or platforms so that joint action can be taken, in a participatory manner.



Proposals for Legal Frameworks And Other Regulations

- Strengthen the legal frameworks of all countries to take account of the new challenges to the safety of children and adolescents online. This strengthening does not necessarily mean creating new legal instruments, but rather updating existing instruments and including specific terminology. The legitimacy of these instruments should also be strengthened so that they can be updated through participatory, open government processes, or interinstitutional committees.
- Create specific legal and regulatory frameworks for the development of filters and controls to protect minors during their Internet use.
- Generate care protocols in education centers so that authorities know what steps to take in cases of violence and cyber bullying, among others.
- Develop digital applications (apps) or websites, with public-private support, focused on promoting and protecting the rights of minors. These should become repositories of relevant information to guide actions of those impacted, as well as parents and teachers.
- Initiate dialogue with the countries aimed at developing a model inter-American law on digital includes and protection of minors online.

Proposals on the Digital Divide

- Bridging the digital divide entails major public and private investment efforts. To that end, promote partnerships for resource targeting and optimization.
- In view of ICTs' strategic importance, governments could give consideration to generating favorable tax policies for companies that target their corporate social responsibility investments at bridging digital divides.
- Bridging the digital divide is not only a matter of infrastructure and hardware. In fact, bridging digital divides largely depends on education policies. Therefore, where necessary, governments, civil society and/or the private sector might jointly establish programs for digital literacy and responsible Internet use for knowledge transfer and as guidance for children and adolescents on the use of these tools.



Proposals on Digital Citizenship and Coexistence

- Improve curricula to include the necessary training on safe Internet use, vulnerability detection, and optimal use of digital tools.
- Promote collaboration and public-private partnerships for implementation of awareness campaigns on the different risks, using the specific terminology applicable to each type of threat or inappropriate behavior detrimental to minors, with a human rights approach.

Proposals for Participation

- To the extent possible, integrate in these actions organized groups of minors, including those formed through online platforms or channels developed for this purpose, so that they can express their views and add their voice.
- Establish advisory councils or participation mechanisms for children and adolescents and, in the countries where they already exist, continue to step up participation by minors in this area.



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