# THE INTERNET:
# A SETTING FOR THE REALIZATION OF RIGHTS AND A NEW SOURCE OF THREATS

One of the changes which has had the strongest impact on people's everyday lives in recent decades is the increasing presence of the so-called "new information and communication technologies" and, particularly, the Internet.

In June 2014, it was estimated that there were 630 634 819 Internet users in the Americas, representing 65% of the population in the region (966 139 408). In North America, the Internet is used by 87.7% of the population, in South America, by 56.8%, in Central America, by 44.1% and in the Caribbean, by 41.1% (Internet World Stats).

The Internet has become consolidated as a new social setting. Through it, we interact with an environment which has expanded and globalized. It provides access to a significant volume of information, and makes it possible to engage in communications in real time, regardless of geographic distances. It has transformed our leisure as well as our work, administrative procedures, communications and culture.

## An Opportunity for Inclusion and the Realization of Rights

There is some consensus regarding the fact that access to the Internet in today's society contributes to social inclusion. Much has been said about the idea that handling the new technologies in the 21st century is similar, in a way, to the approach to literacy in the 19th century and beginning of the 20th. It is in this context that there is an exclusion gap between those who have access to the use of new technologies and those who lack this access.

Through its Special Rapporteur for Freedom of Expression, the Inter-American Commission on Human Rights (IACHR), in its report on *Freedom of Expression and the Internet*, has recognized the role of the Internet as an instrument to promote development and the enjoyment of human rights, and to combat social inequality. Based on the right to universal access to the Internet and the principle of non-discrimination enshrined in human rights treaties, the IACHR has asserted that States are required to remove obstacles that prevent individuals in general – or a particular

sector – to gain access to the Internet, and to adopt affirmative measures to enable the effective enjoyment and exercise of rights in the digital age for traditionally excluded sectors (CIDH/RELE. 2013: 7).

In the case of children, it is widely recognized that the Internet is an ideal tool for them to exercise a broad range of rights, including the right to freedom of expression and access to information, to education, to freedom of association and to full participation in social, cultural and political life.

## Risks in Cyberspace

Together with the Internet's potential as a tool for inclusion and the realization of rights, we must acknowledge that, in its nature as a social setting, it also reflects the diversity and the conflicts which are characteristic of society and the culture involved. These innovations give rise to **new versions of old threats and forms of violating rights**.

Among the obstacles faced by girls and boys in attempting to enjoy their online rights are interpersonal violence, such as cyber bullying. According to the United Nations, "[It] can include threats, intimidation or harassment via email, online chat rooms, instant messaging, texting and social media websites. It can also encompass acts such as defamation, exclusion or peer rejection, impersonation, unauthorized publication of private information or images and manipulation" (UN, 2014:19).

Through the Internet it is possible to violate the rights to dignity, privacy, honour, the free development of the personality, sexual and reproductive rights and others.

This type of violence is particularly serious for girls, as well as for girls, boys and teenagers who belong to any of the LGTBI groups, or to indigenous peoples and other groups who traditionally suffer from discrimination and who, owing to this violence, tend to avoid using the Internet and refrain from participating in any opportunities for debate and social interaction.

## The Right to Protection

There is evidence that shows that the risks of surfing the Internet for children and teenagers are comparable to, or perhaps greater than those entailed by approaching any other public venue without adult support. In this respect, agencies involved in the protection of children have adopted the premise that children have the right to be protected with just the same determination in virtual contexts as in the physical world.

One of the factors that increase the vulnerability of children online is the absence of adult supervision. This is linked mainly to the insufficient ability to handle the "new technologies" on the part of adults.

According to Marc Prensky (2001), girls, boys and teenagers are the "natives" in this new social setting, those for whom digital technology has been a socialization environment, unlike "digital immigrants", who have had to adapt to a new language and who think and process information in fundamentally different ways than natives do.

It is thus that a "digital divide" is established between children and adults, a situation which leads to adults losing their authority as reference points and protectors in children's interactions on the network and in establishing restrictions to the use of the Internet and access to its content. As a result, new areas of vulnerability open up for children, who become the target of various forms of violence, although it must also be recognized that on many occasions, they also play a significant role as producers and disseminators of these forms of violence.

If we move from family-based protection or protection provided by adult references to institutional protection, we find that institutional forms and agents who could make a contribution do not tend to be a part of the States' regular systems of protection.

Studies conducted by the IIN in relation to National Plans to address the commercial sexual exploitation of children (CSEC) and other types of related violence show that the Internet is a setting which is frequently used for different forms of sexual violence and exploitation. Many of the plans drawn up and implemented by the States in the region identify the Internet as a tool used by recruiters and exploiters to capture their potential victims. However, they do not usually include concrete actions to prevent or punish these practices or include agencies or teams that specialize in this topic among institutional actors responsible for implementation.

This makes it necessary to engage in joint efforts with private enterprise, telecommunications surveillance bodies, police units specializing in cybercrime, and others, with the additional difficulty that these actors – who are trained to confront this type of crime – do not always have a rights-based perspective when it comes to children.

Fostering public-private associations appears to be a required strategy. It is recommended that the production and adoption of codes of conduct and other means of corporate social responsibility be promoted for Internet access providers, mobile telephony enterprises, Internet cafés and other key players.

## Moving Towards an Approach

From the brief analysis we have provided of the relationship between the Internet and child rights, we wish to focus on three aspects which should underpin the IIN's position on the subject.

Firstly, it is undeniable that it is necessary for children to have access to the new technologies as part of the process of inclusion and democratization. The opportunities that the Internet provides in relation to self-expression, communication, access to information and knowledge of other cultures, to mention only some of its advantages, are huge. In this respect, and bearing in mind the digital gap existing between the new generations and adults, we need to have policies that ensure equity of access and provide guidance and tools for children to interact safely in this new social setting.

It should be noted that various studies conducted on the use of the Internet among vulnerable groups show the importance of including it in education as a form of promoting equity of access, familiarization with equipment and responsible handling of these tools.

Secondly, we cannot disregard the risks and threats posed by this new environment, and we should therefore assume that children also have the right to be protected in this virtual setting.

This implies bringing protection systems up to date in order to make it possible for them to confront these new threats. It is necessary to include in interinstitutional coordination action that steers policies against CSEC and other forms of exploitation and violence new players involved in the surveillance of technology and

communications, such as ministries of telecommunications, data protection agencies or representatives of the technology industry.

We should bear in mind that it was the States that ratified the Convention and as such they must assume the obligations they have undertaken. This implies promoting the perception of children as rights-holders, transcending the areas where child-related bodies traditionally operate.

For these arrangements to be efficient, it is necessary to equip the agencies in charge of prosecuting and punishing crime involving the Internet with trained staff, an adequate budget and the necessary means of investigation so that they can perform their work effectively and in keeping with state-of-the-art technological possibilities.

Thirdly, we should view children as active social individuals who are capable of recognizing the threats in their environment and developing suitable behaviour to confront them. We should not confuse protection with control or with restricting their autonomy and rights, as has occurred so often in the history of childhood.

It is essential to listen to children, and to take their perceptions, points of view and proposals into account. In the participation areas that the IIN has opened up in the region, teenagers have clearly stated their claim to greater access to the Internet, increased and improved use of the new technologies in education and adult guidance which, while helping them to surf their virtual surroundings, should also be enabling, promote self-confidence and strengthen organizations and peer protection capabilities.

The challenge facing us is to build linkages between access and inclusion, and protection, from a perspective of the comprehensive protection of rights, which necessarily implies the development of responsible citizens.

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