

Fact sheet

Normative artifacts on
children and adolescents'
rights in **MERCOSUR**
digital environments



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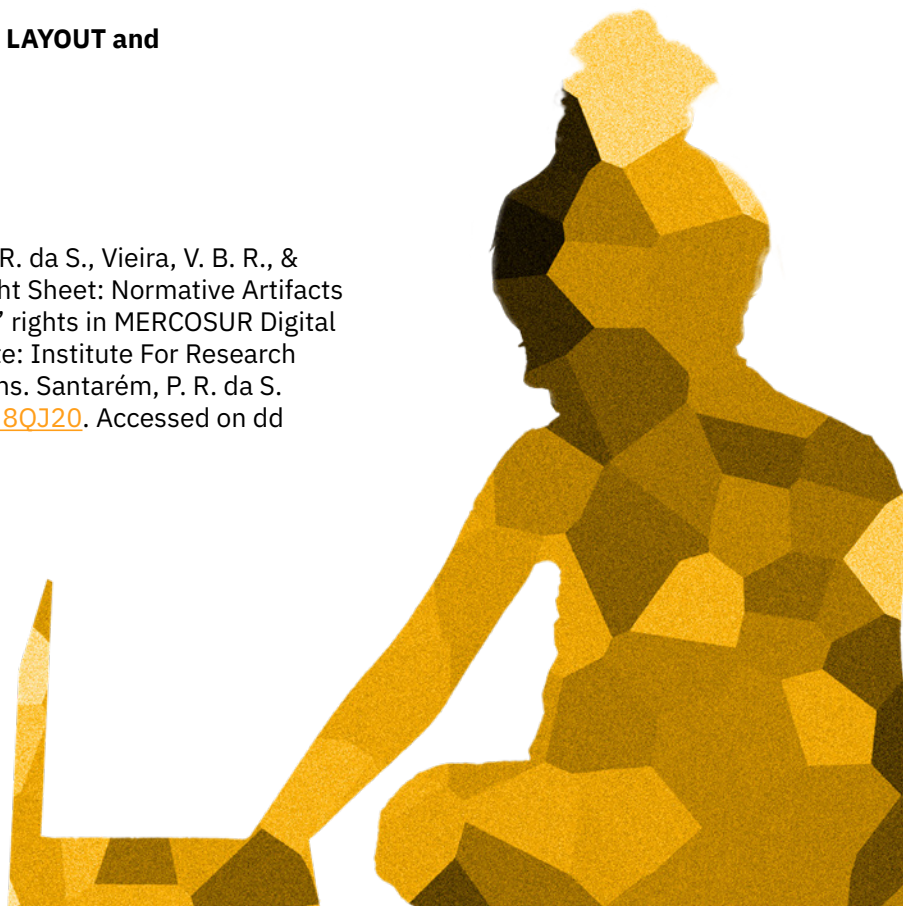
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1. PRESENTATION

Who are we?



The Institute For Research on Internet And Society (IRIS) is an independent and interdisciplinary research center founded in 2015 and dedicated to producing and communicating scientific knowledge on internet and society issues, as well as defending and promoting public policies that advance human rights in the digital sphere. Our efforts seek to qualify and democratize debates about internet, society and new technologies by bringing scientific inputs to internet users and the different society sectors: government, civil society, private sector, technical community and academia.

We develop research projects encompassing the publication of books, studies, scientific papers, technical notes and reports in the internet governance field on topics such as privacy and data protection, encryption and public security, platform regulation, digital inclusion, cryptoactive regulation, artificial intelligence and many others.



In this sense, this document presents the first findings of the research project “Security of Information and Protection of Children and Teenagers: Speeches and Regulatory Proposals in MERCOSUR”.

About the project



The team

This project seeks to understand the scenario of normative and technological proposals developed or under development in the countries of the Southern Common Market – MERCOSUR (Brazil, Argentina, Uruguay, Paraguay and Venezuela)¹ to address violence against children and teenagers in digital spaces with encryption.

This concern arose from the debate held by Child Rights International Work (CRIN) and Defend Digital Me in their report “Privacy and Protection: A children’s rights approach to encryption”,² as well as information about national laws available on CRIN website. Despite the relevance and consistency of the study, we identified some limitations that could be better explored, such as its centrality around an European perspective. Therefore, we consider it important to carry out an analysis focused on countries in the Global South, more specifically in the MERCOSUR region.

The choice to cutout the analysis among the countries that compose MERCOSUR is justified, predominantly, due to the historical importance of the bloc as a strategic forum for discussions on the topic of personal data protection in the Latin American context. It is also worth adding the relevance with which data protection is treated in the context of MERCOSUR. In this way, this demonstrates the need for qualified research into how the central subject of this research project is dealt with at the level of public and regulatory debate in the countries that make up the bloc.

Thus, our goals are to reflect and analyze how these countries have been developing tools to deal with this type of violence, from a more central focus on digital platforms and in the

1 The study does not address Bolivia, whose incorporation into MERCOSUR is still ongoing, with Brazil being the last country to approve the Accession Protocol, in December 2023. On the other hand, even though it has been suspended since 2016, Venezuela is part of our analysis object.

2 CRIN - Child Rights International Network, & Defend Digital Me. (2023, January). *Privacy and protection: A children’s rights approach to encryption*. Available at <https://home.crin.org/readlistenwatch/stories/privacy-and-protection>. Accessed on 25 Mar. 2024.

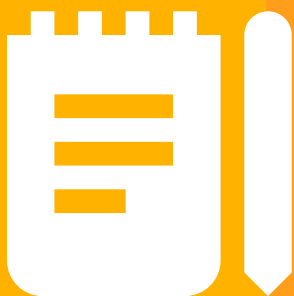
discursive disputes that oppose the defense of encryption regarding the protection of children and adolescents.

The core questions guiding the project are the following:

- a) what are the regulatory and technological proposals for monitoring encrypted online environments in MERCOSUR regarding policies for counter violence against children and adolescents?;
- b) in what social contexts do these monitoring and surveillance techniques, alternatives to encryption breaking, are being employed?;
- c) what are the institutional objectives and discourses present in these proposals?; and
- d) what normative strategies are dominating this debate?

To achieve these answers, the project involves different activities:

- a) bibliographical review to construct the theoretical framework of encryption and violence against children and adolescents;
- b) semi-structured interviews with national experts dealing with the issue in MERCOSUR countries, as a way of mapping institutional objectives and understanding existing social narratives on the subject in regulatory and technological proposals to combat violence against children and adolescents in encrypted online environments;
- c) text analysis of normative and technological artifacts from the countries analyzed, as a way to present an overview of these countries and enable a comparative analysis between them.



In addition, we have plans to monitor the debate on the subject, especially in Brazil, so that the information gathered by our team can support qualified debates to improve our regulations and public policies on the subject.

This fact sheet contains the findings on existing normative artifacts in MERCOSUR countries, based on an initial search carried out by the research team (as explained below), complemented by information obtained through interviews with local experts. This document was developed to answer the following questions: what normative artifacts exist in MERCOSUR countries that deal with about protecting children and adolescents in digital environments and about encryption? As An initial analysis of these norms encourages us to think better about social dynamics these countries? What are our research team's first impressions?

Therefore, this document organizes, summarizes and shares our preliminary findings, and can serve as guidance on the legal parameters in force in each Mercosur country for the topic of protecting children and adolescents in digital environments with encryption.

2. METHODOLOGY

This Information Guide was focused on the results of the initial search by normative artifacts existing in MERCOSUR countries, which addressed the topic of encryption in relation to the protection of children and adolescents in encrypted digital spaces, collected by the research team. In addition, specific additions were made to this *corpus* of analysis, when it was observed that relevant information obtained in the other stages of research were within the scope of this guide, as they were data on the normative context of the countries studied. It is important to highlight that **the analyzes presented here are of a preliminary nature**: we understand that for a deeper understanding of the contexts studied, it will be necessary to look at other elements of these norms, contexts, and other technological tools that change the scenario of the debate in each country. This will be our objective in the following phases of the work, with other methodological efforts and the publication of a final project report.

What are normative artifacts?

In this research, we consider **normative artifacts** any legal norm, in force or in progress, that allows us both to understand how a given topic is regulated by the State, and possibly to infer something about the context that generated that prediction.



What concepts are being used to carry out this research?

A) WHAT IS ENCRYPTION?

Generally, the term cryptography refers to the science of encoding information. Once encrypted (or “ciphered”), information cannot be interpreted by someone who does not have the cryptographic key necessary to translate (or “decipher”) its content. In the context of the internet, encryption is essential to protect the confidentiality and integrity of information to which third-party actors do not want to gain access. This is because, considering that the internet architecture is made up of countless interconnected access points, information that is sent through the network without due cryptographic protection can be obtained and used for different purposes by any agent capable of intercept it – either by intercepting its route through the network or by accessing devices connected to the internet in which this information is stored. It is from this debate on encryption that we start in our research, based on the work of Liguori (2022) and Costa (2021), which address conflicts over the right to civil access to strong encryption and legal controversies and attempts to suppress this right by state agents over the decades.

A) WHAT VIOLENCE AGAINST CHILDREN AND ADOLESCENTS ARE WE TALKING ABOUT?

The term violence against children and adolescents can be interpreted in several ways. For example, in light of the United Nations [Convention on the Rights of the Child](#), violations of children’s rights involve any action that may harm physical, mental or sexual integrity, including abuse, violence, neglect, mistreatment and exploitation, as described in article 19. Thus, the concept of violence against child and youth is quite comprehensive, encompassing a wide range of behaviors and forms. However, for the purposes of this research, we chose to focus specifically on sexual violence against children and adolescents mediated by Information and Communication Technologies (ICT). In this study, we understand this concept based on the theoretical works of Pereira (2023) and Bretan (2012), which define such practices as any form of sexual violence against children and adolescents, from those that use ICTs as the main means of their practice, such as, for example, online grooming and cyberbullying with sexual connotations, or those that use ICTs for disseminating other violence, and from this generate a new category of violence, such as the production, maintenance or sharing of child sexual violence content. We

use the term sexual violence as a macro-concept that addresses numerous violent practices, which will be better conceptualized and worked on in our final report. Our research focuses on this specific category of violence for two main reasons: firstly, because it is the key term also used in the CRIN; DEFEND DIGITAL ME report, the starting point for our research in MERCOSUR; secondly, because it is one of the main arguments in defense of breaking encryption, generating a high level of awareness on the topic.

What were the steps in this phase of the research?

The search for normative artifacts took place using the following methodological paths:

A

FINDING ARTIFACTS

The search for artifacts followed three paths. First, at the **CRIN website** We checked the information available on the rights of children and adolescents in MERCOSUR countries. This repository dedicates national pages to [Argentina](#) (with data from 2011), [Brazil](#) (2012), [Paraguay](#) (2011) and [Uruguay](#) (2013). As there was no content for Venezuela on the site, we used the page with [references](#) of the UN Universal Periodic Review (2016). It is important to reiterate that, after this initial research, the team interviewed local experts, which made it possible to confirm the relevance of some normative artifacts, but also brought new findings.

From this first path, and with contributions from semi-structured interviews, we follow a second path of **specific searches on the Google search engine**. Through searches in Portuguese and Spanish, and based on the number of each piece of legislation (or name, in the case of Venezuela), associated with the name of the country, we seek to verify the status of each of the artifacts found, whether current, updated, regulated, replaced or revoked. We prioritize results in the official language of the respective country: Portuguese for Brazil and Spanish for the others.

So, in the third path, we seek to define one **database as the default source** of normative artifacts from each country, which would guarantee uniformity in citations and the current validity of the norms. Thus, for Argentina, the [Argentine Legal Information System](#) (SAIJ), maintained by *Ministry of Justice of the Nation*; for Brazil, the [Legislation Portal](#), from the Presidency of the Republic; for Paraguay, the [Library and Archive of the National Congress](#); for Uruguay, the [Electronic Bank of Regulatory](#)

Legal Data and National Directorate of Printing and Official Publications (IMPO); and, for Venezuela, the Current Laws of the National Assembly. As a backup resource, in case the content of a law is not available, or even if the repository is temporarily inaccessible, we count additionally with the Educational Trends Information System in Latin America (SITEAL) by UNESCO.

B

SELECTION CRITERIA OF THE ARTIFACTS FOUND

The documents found were selected targeting important normative texts for discussing the project. Therefore, we chose the pieces of legislation that included elements about children and adolescents; about encryption; or on both topics.

In this first tabulation, we insert: a) the name/number of the law; b) the country to which the law refers; c) summary of the document; and d) articles and points on the protection of children and adolescents and encryption, depending on which of the topics the law referred to.

Furthermore, it is worth noting that we chose to highlight the pieces of legislation that are distinctive to each country. In this section, it was found that all five countries under analysis have both a constitutional provision on the rights of children and adolescents, and a national law that internalizes the UN Convention on the Rights of the Child. That's why, these standards are not highlighted on the specific pages of each country, but are listed just at the end of this Guide, in the table of normative artifacts that synthesize the list of legal acts found.

C

PREVIEW PRESENTATION OF FINDINGS

Below, the selected normative artifacts are grouped according to the countries under research, with a section for each one, in alphabetical order. In addition to the main legal standards, in order to contextualize the challenges in local scenarios, each country dedicated section displays: geopolitical data, obtained mainly from the respective most recent Annual Reports from the United Nations Children's Fund – UNICEF; general information on violence against children and adolescents, also according to UNICEF data; and brief comments on our initial analysis insights.

As this is a **preview presentation of results**, we plan to carry out an in-depth analysis of each of the documents to prepare the project's final report, already considering a crossover and approximation between normative and technological artifacts, as well as the perceptions of the interviewed people.

3. COUNTRIES ANALYZED



Source: [Wikipedia](#)

Argentina



Size

2.780.400 km²

Population

45 million inhabitants

Official language

Spanish

ABOUT THE COUNTRY

In South America, it has the 2nd largest territory, the 3rd largest population, and the 2nd best HDI (2021). It is organized into 23 provinces and one autonomous city, Buenos Aires, the country's capital. Data ([UNICEF](#), 2024) point out that 59% of children and adolescents under 15 years of age have suffered violent parental practices; and 11% of adult women (between 18 and 49 years old) report having suffered sexual abuse in childhood. Violence is the main reason for family splits, with 6,400 children in extended family care and 9,154 in foster care.

RELEVANT LEGISLATION



Act n° 26.061 of 2005

The *Act for the Comprehensive Protection of the Rights of Girls, Boys and Adolescents* lists the fundamental guarantees aligned with the absolute priority and creates a comprehensive protection system.



Act n° 26.904 of 2013

It inserts the art. 131 in the penal code to classify the crime of sexual grooming of children and adolescents.



Act n° 27.436 of 2018

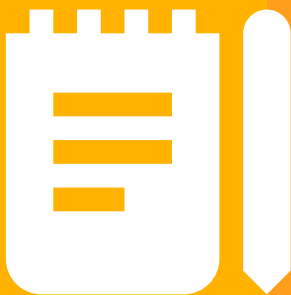
It amends art. 128 of the penal code to classify the crime of child pornography in its various forms.



Act n° 27.590 of 2020

Known as the *Mica Ortega Act*, it creates the National Prevention and Awareness Program on Grooming or Cyberbullying against Girls, Boys, and Adolescents.

APPOINTMENTS



In this first search, we did not identify any legislation in Argentina specifically addressing the issue of encryption and protection of children and adolescents in digital environments. However, despite not referring to the context of encrypted messaging, there is legislation that typifies the crime of child pornography and grooming, directing its actions, so far and as far as everything indicates, towards the debate within the field of protecting children and teenagers.

Brazil



Size

8.510.417 km²

Population

200 million inhabitants.

Official language

Portuguese

ABOUT THE COUNTRY

The largest country in South America in terms of territory and population, it is constituted as a federation of 27 states, the Federal District, and 5,571 municipalities. In 2021 it had the fifth best HDI in the subcontinent.

Data ([UNICEF](#), 2024) indicate an increase in the number of various forms of violence against children and adolescents between 2021 and 2022, such as rape (15.3%), physical assault (9.3%), and abandonment (13.3%). Among 2021 rape cases, 88.7% of victims were female, and 61.4% were children (under the age of 13).

RELEVANT LEGISLATION

Act n° 8.069 of 1990

The *Child and Adolescent Statute* (ECA) provides for the full protection of children and adolescents, establishing the protection of fundamental rights as developing people and creating a system of bodies and procedures.





Act nº 11.829 of 2008

It includes provisions in the ECA to improve the fight against the production, sale, and distribution of child pornography, as well as to criminalize the acquisition and possession of such material and other conduct related to pedophilia on the internet.



Act nº 2.848 of 1940

The *Penal Code* is the main criminal law in Brazil, although it does not exhaust the topic. It typifies crimes and provides punishments. In the chapter on sexual crimes against vulnerable people, art. 218-C, inserted in 2018, it criminalizes disclosing sex or pornography scenes without consent, and scenes of rape of a vulnerable person.



Act nº 12.965/2014

The *Civil Rights Framework for the Internet*, it establishes principles, guarantees, rights, and duties for the use of the Internet in Brazil.



Act nº 13.709/2018

The *General Data Protection Law* (LGPD), in its article 14, deals with the processing of personal data of children and adolescents.



Act nº 13.431/2017

It establishes the system to guarantee the rights of children and adolescents who are victims or witnesses of violence.



Act nº 13.441/2017

It envisages the online infiltration of police officers to investigate crimes against the sexual dignity of children and adolescents.



Bill nº 9.808/2018

It provides for access to communication data through Internet applications for criminal prosecution purposes.



Bill n° 2.630/2020

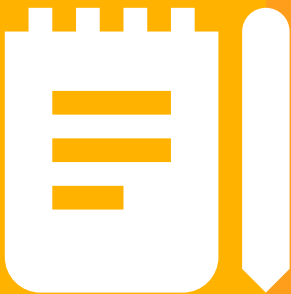
It establishes the *Brazilian Law on Freedom, Responsibility, and Transparency on the Internet*.



Bill n° 2.628/2022

It provides for the protection of children and adolescents in digital environments. The proposal covers any information technology product or service aimed at children and adolescents or that can be accessed by them, available at the national territory, regardless of the location of development, manufacturing, offering, marketing, or operation.

APPOINTMENTS



Although there is no specific legislation on encryption, Brazil has standards and legislative discussions that put into debate the protection of children and adolescents in encrypted environments, such as PL 2628/2022 which provides for the protection of children and adolescents in encrypted environments digital. Furthermore, Brazil has a specific Statute for Children and Adolescents that was updated to combat child pornography and online pedophilia, in addition to a specific article in the Penal Code criminalizing non-consensual dissemination of sex exploration or abuse scenes involving vulnerable people.

Paraguay



Size

406.752 km²

Population

7 million inhabitants.

Official language

Spanish

ABOUT THE COUNTRY

The eighth largest country in South America by territory and the ninth largest by population. It is a unitary republic divided into 17 departments and the Capital District, with 261 municipalities in total. In 2021 it had the ninth best HDI in the subcontinent.

Data ([UNICEF](#), 2024) point out that 52% of children suffer violent discipline. 3,800 cases of sexual abuse against children and adolescents were recorded, an average of 11 per day. More than 72% suffered at least one critical deprivation in access to adequate housing services and infrastructure.

RELEVANT LEGISLATION



Act n° 1.680 of 2001

The *Childhood and Adolescence Code* establishes the principle of best interests and the obligation of parents and guardians, with a secondary duty of the State to protect rights. It also provides for a national system for the protection and promotion of these rights.



Act n° 1.160 of 1997

The *Penal Code* has a chapter on sexual crimes against vulnerable people, with art. 218-C, inserted in 2018, criminalizing the dissemination of a sex scene or pornography without consent, and of a rape scene of a vulnerable person.



Act n° 6.002 of 2017

It inserted art 135b. into the Penal Code, which typifies the crime of abuse by technological means.



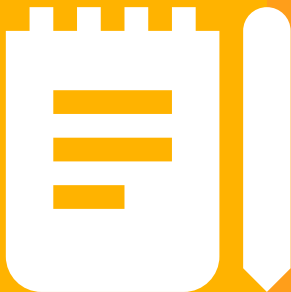
Act n° 4.439/2011

It changed the art. 140 of the Penal Code to classify the crime of sexual exploitation of images of children and adolescents.



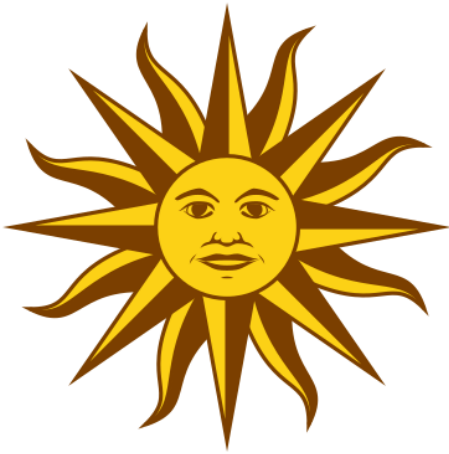
Act n° 2.861/2006

It represses the trade and commercial or non-commercial dissemination of pornographic material, using the image or other representation of minors or incapacitated people.



APPOINTMENTS

Although it also does not have specific legislation on encryption, the country has legislation that deals with the protection of children and adolescents in digital environments, classifying crimes for abuse in technological environments, child pornography, and sexual commerce.



Uruguay

Size

176.215 km²

Population

3,4 million inhabitants.

Official language

Spanish

ABOUT THE COUNTRY

Almost half of its entire population is concentrated in the capital Montevideo. In terms of area, it is the second smallest country in the subcontinent and has the 10th biggest population. In 2021 it had the third best HDI in the subcontinent.

Data ([UNICEF](#), 2024) point out violence against children and adolescents as a structural problem. In 2022, there were 7,473 records of situations of violence against children (a 6% increase over 2021). In 73% of them, the violence was recurrent and 90% were committed by close family members or household members; 20% of cases were sexual abuse, and 77% were against girls.

RELEVANT LEGISLATION



Act n° 17.815 of 2004

It deals with sexual violence, commercial or non-commercial, committed against children, adolescents, or those with disabilities. We highlight its 1st, 2nd, and 3rd articles.



Act n° 9.155 of 1933

The *Penal Code*, in articles 277-BIS and 278, typifies crimes against sexual integrity, pornographic material, and pornographic exhibition of minors.



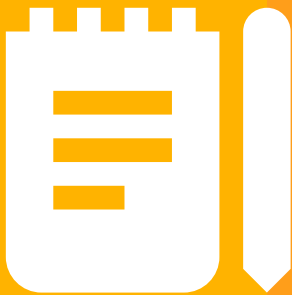
Act n° 19.580 of 2018

The art. 92 deals with the dissemination of images or recordings with intimate content, without the person's authorization; and art. 93 defines as an aggravating factor whether the victim is under 18 years of age.



Act n° 18.331/2008

The *Personal Data Protection Law and Habeas Data Action* systematizes protections on the topic, in addition to creating the *Agency for the Government Development of Electronic Management and the Information and Knowledge Society (AGESIC)*.



APPOINTMENTS

In this first search, we didn't identify any legislation in Uruguay specifically addressing the topic of encryption and protection of children and adolescents in digital environments. However, as we briefly analyzed, there is a legislation centrality in the field of children and adolescent protection in digital environments to combat sexual violence, dissemination of intimate content, and abusive or exploratory exhibitions.

Venezuela



Size

916.445 km²

Population

28 million inhabitants

Official language

Spanish

ABOUT THE COUNTRY

The sixth largest country in South America in terms of territory and population, it is constituted as a federation of 23 states, a Federal District and 72 Federal Dependencies (islands and islets). In 2021 it had the worst HDI in the subcontinent.

Data ([UNICEF](#), 2024) points to an increase in gender-based violence against girls. Between August and November 2023, one hundred child protection councils registered 42 thousand cases of rights violations: right to identity (30%); acts of negligence (22%); verbal, emotional, or psychological violence (10%); unaccompanied or abandoned children and adolescents (7%); physical violence (5%); violence, abuse, and sexual exploitation (2%).

RELEVANT LEGISLATION



[Organic Act for the Protection of Boys, Girls and Adolescents, 2007](#)

Known by the acronym LOPNNA, it disciplines the full protection of children and adolescents, providing for the protection of a series of fundamental rights as developing people, and creating a system of bodies and procedures.



Act for the Protection of Boys, Girls and Adolescents in Rooms Using the Internet, Video Games and Other Multimedia, of 2006

It guarantees the human right to developmentally appropriate information in the use of electronic games, especially in online rooms, providing for duties for companies, establishments, and Internet service providers.



Constitutional Law against hate, for Peaceful Coexistence and Tolerance, of 2017

It provides for the responsibility of the media for peaceful coexistence and tolerance, with the possibility of blocking portals if hate messages are not removed six hours after publication.



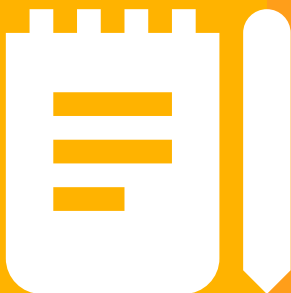
Act for the Prevention and Eradication of Sexual Abuse Against Girls, Boys and Adolescents, 2021

It provides that the State, families, and society must prevent and eradicate any form of sexual abuse against children and adolescents, with full protection of direct and indirect victims.



Special Law against Computer Crimes of 2001

It has a chapter dedicated to “Crimes against Boys, Girls or Adolescents”, which typifies the conduct of allowing access to pornography without warning, as well as disseminating images of abuse or sexual exploitation of this population.



APPOINTMENTS

Venezuela has legislation that deal with the protection of children and adolescents against different forms of violence. Concerning digital environments, the Special Law against Computer Crimes, in chapter IV, articles 23 and 24, typifies the crime of child pornography.

TABLE OF NORMATIVE ARTIFACTS

ARGENTINA

| | |
|---|---|
| <u>Constitution of the Argentine Nation</u> | |
| <u>Act n° 23.849/1990</u> | Approval of the Convention on the Rights of the Child |
| <u>Act n° 26.061/2005</u> | Act for the Comprehensive Protection of the Rights of Girls, Boys and Adolescents |
| <u>Act n° 26.904/2013</u> | Changes the penal code to classify the crime of grooming |
| <u>Act n° 27.436/2018</u> | Amends the penal code to classify the crime of child pornography in its various forms |
| <u>"Act n° 27.590/2020 (Mica Ortega Act)"</u> | Creates the National Prevention and Awareness Program on Grooming or Cyberbullying against Girls, Boys and Adolescents. |

BRAZIL

| | |
|--|---|
| <u>Constitution of the Federative Republic of Brazil</u> | |
| <u>Decree n° 99.710/1990</u> | Promulgates the Convention on the Rights of the Child |
| <u>Act n° 8.069/1990</u> | Child and Adolescent Statute |
| <u>Act n° 11.829 de 2008</u> | Includes predictions to combat child pornography in the ECA |
| <u>Act n° 2.848/1940</u> | Penal Code |
| <u>Act n° 12.965/2014</u> | Civil Rights Framework for the Internet in Brazil |

| | |
|---|--|
| <u>Act n° 13.709/2018</u> | General Personal Data Protection Act |
| <u>Act n° 13.431/2017</u> | Creates the guarantee system for the rights of children and adolescents who are victims or witnesses of violence |
| <u>Bill n° 9808/2018</u> | Provides for access to communication data through internet applications for criminal prosecution purposes |
| <u>Bill n° 2630/2020</u> | Establishes the Brazilian Law on Freedom, Responsibility and Transparency on the Internet |
| <u>Bill n° 2628/2022</u> | Provides for the protection of children and adolescents in digital environments |

PARAGUAY

[Constituição Nacional da República do Paraguai](#)

| | |
|--|--|
| <u>Act n° 57/1990</u> | Approves and ratifies the United Nations Convention on the Rights of the Child |
| <u>Act n° 1.160/1997</u> | Penal Code |
| <u>Act n° 1.680/2001</u> | Childhood and Adolescence Code |
| <u>Act n° 2861/2006</u> | Represses the trade and commercial or non-commercial dissemination of pornographic material, using the image or other representation of minors or incapacitated people |
| <u>Act n° 4.439/2011</u> | Changes the art. 140 of the Penal Code to classify the crime of sexual exploitation of images of children and adolescents |
| <u>Act n° 5653/2016</u> | Act for the Protection of Boys, Girls and Adolescents against Harmful Internet Content |
| <u>Act n° 6.002/2017</u> | Inserts into the Penal Code art. 135b., which typifies the crime of Abuse by technological means |

URUGUAY

[Constitution of the Eastern Republic of Uruguay](#)

[Act n°
16.137/1990](#)

Approval of the Convention on the Rights of the Child

[Act n°
9.155/1933](#)

Penal Code

[Act n°
17.815/2004](#)

Sexual violence against children, adolescents or those with disabilities

[Act n°
18.331/2008](#)

Personal Data Protection Law and Habeas Data Action

[Act n°
19.580/2018](#)

Penalty increasing in art. 93, when under 18 years of age

VENEZUELA

[Constitution of the Bolivarian Republic of Venezuela](#)

[Act of Approval of the Convention on the Rights of the Child, 1990](#)

[Special Act Against Computer Crimes of 2001](#)

[Act for the Protection of Boys, Girls and Adolescents in Rooms Using the Internet, Video Games and other Multimedia, 2006](#)

[Organic Act for the Protection of Boys, Girls and Adolescents \(LOPNNA\), 2007](#)

[Constitutional Law against Hatred, for Peaceful Coexistence and Tolerance, 2017](#)

[Act for the Prevention and Eradication of Sexual Abuse Against Girls, Boys and Adolescents, 2021](#)

Note: Venezuela's legal norms are not numbered, being referenced by their name in full, with edition and publication date of the Official Gazette.

CONCLUSION

A first analysis of the set of normative artifacts found in this phase of the project, through our searches and interviews with local experts, reveals an incipient or almost non-existent field of state discussion for the intertwining of the fields of children's and adolescents' rights and information security in encrypted environments.

The few existing regulatory parameters on the protection of children and adolescents in digital environments do not specifically address the use of encryption. And even in a context preceding any textual regulation, only Brazil has a specific legislative debate. In our interviews with experts in all other countries, the responses were consensual in pointing out the lack of bills on the subject.

Furthermore, the protection of children and adolescents in digital environments seems to be focused on criminalizing and punishing conduct that violates their rights, but without advancing in the affirmation of possible new specific rights for this population on the Internet. The MERCOSUR countries, observed together, do not seem to have properly matured a field of guarantees about the use of technological communication and information resources, but rather a protection against illegal actions that use these resources for illicit practices.

It seems to us that for the bloc, in our first analysis briefly carried out, there is a perception that the rights in question still need to deal with very basic deficiencies and non-compliance. Thus, looking at demands for information security, online intimacy, and secrecy in private communications – even without encryption – sounds like a sophisticated problematization that is oblivious to the simple harshness of reality, which still involves issues such as food security, health, and sexual dignity. In the field of technology, perhaps the lack of basic policies for access to connection and promotion of meaningful connection limits concerns that reach the normative level.

In this sense, the suspicion emerges that, in relation to the central issues of the CRIN; DEFEND DIGITAL ME report, in MERCOSUR, the debate on privacy and protection of rights for children and adolescents has not reached encryption, still being on analog issues. It may be that the law has not yet translated the new emerging social demands, but it may also be that local concerns do not correspond to debates in the Global North.

It is hoped that this first impression can be confirmed or refuted through further investigation into the answers provided in interviews with local experts. But we already understand that we can upfront confirm the intuition that importing knowledge and debates centered on the perspective of Europe and the USA will not offer the solutions that the MERCOSUR countries need at this moment.

Next stages

This publication only reflects the regulatory scenario of each country based on our initial search and interviews carried out, which **should not be taken as a faithful correspondent to the complexity of the respective social reality**. Therefore, the analyses carried out and presented here are still under construction, that is, we only briefly present our initial notes and impressions. Because of this, the project still has subsequent steps, which will complement what was found here, with new analyses and even new contextual data being able to be brought.

For example, it was not possible to find data on Internet access by children and adolescents for all five countries analyzed. Brazil has indicators revealed by [ICT Kids Online Brazil](#). UNICEF's studies on the possibilities of online education during COVID-19, however, do not provide specific data on Paraguay and Venezuela.³ Not even UNICEF's annual reports for each country reveal this specific data.

Furthermore, it would also be interesting to look for the number of reports on images of child abuse and sexual exploitation for other countries, such as the data that [Safernet produces for Brazil](#). This is relevant information for our study, and we will seek to confirm whether it is simply not easily accessible or whether in fact it does not have official systematization in other countries.

Based on the analysis of the interviews carried out, as well as an in-depth analytical analysis of the normative and technological artifacts collected, we will present in a final report the findings of the complete research, as well as a Policy Paper with recommendations in the area. Finally, the research will also include monitoring the political debate on the topic and holding an event to exchange knowledge.

3 Data from UNICEF (2021), obtained by combining surveys with a set of multiple indicators and domestic surveys in the countries, indicated that, in 2012, in Argentina, 40% of school-age children and adolescents (between 3 and 17 years old) had access to the internet at home; in Brazil, in 2018, 83%, and in Uruguay, in 2012, 63%. The global average is 33%, with a significant variation, between 87% for rich countries and 6% for poor countries (UNICEF, 2020).

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