

***Criminalizing child pornography
and sexual abuse on the Internet***

Latin American countries



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What offences have been addressed by the different countries:

Countries	Convention on Cybercrime						Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse		
	Producing cp for the purpose of its distribution	Offering or making available cp	Distributing or transmitting cp	Procuring cp for oneself or for another person	Possessing cp in a computer system or on a computer-data storage medium	Knowingly obtaining access to cp	Intentional proposal of an adult to meet a child for the purpose of engaging in sexual activities with a child who has not reached the legal age for sexual activities	Intentional proposal of an adult to meet a child for the purpose of producing cp	
Argentina	Yes	Yes	Yes	?	P	?	No	No	
Bolivia	Yes	No	Yes	No	No	No	No	No	
Brazil	Yes	Yes	Yes	Yes	Yes	Yes	?	Yes	
Chile	Yes	Yes	Yes	No	No	No	?	?	
Colombia	P	Yes	Yes	No	No	No	Yes	No	
Costa Rica	Yes	Yes	Yes	No?	Yes	No?	?	?	
Dominican Republic	Yes	?	Yes	Yes	Yes	Yes	No	No	
Ecuador	Yes	Yes	Yes	No	No	No	No	No	
El Salvador	No	No	No	No	Yes	No	No	No	
Guatemala	?	?	?	No	No	No	No	No	
Honduras	Yes	Yes	Yes	?	Yes	?	No	No	
Mexico	P	Yes	Yes	?	Yes	?	?	?	
Nicaragua	Yes	Yes	Yes	Yes	Yes	?	P	Yes	
Panama	Yes	Yes	Yes	No	Yes	No	No	No	
Peru	Yes	Yes	Yes	Yes	Yes	?	P	No	

Gaps identified in the legislation analyzed:

- Do not cover all acts required to be criminalized (El Salvador)
- Do not specifically address computer systems as a mean to perpetrate the offence (Argentina, Bolivia, Chile, Costa Rica, Dominican Republic, El Salvador, Guatemala)
- A general wording is used in order to cover some acts (Dominican Republic: “*any form of marketing*”)
- Possession of such material is not covered (Bolivia, Chile, Colombia, Ecuador, Guatemala)
- A limiting or unclear constituent element provided (Bolivia: “*boys, girls and adolescents*”, Brazil: “*libidinous act*”, Chile: “*contrary to good habits*”, “*dishonest abuse*”, Guatemala: “*obscene*”)
- Relevant provisions not attached or translation is not available - the main focus of the country profiles was only the Cybercrime Convention, so far



Country's definition of "child pornography", vis-à-vis the framework provided by CC and CPC:

Countries	Convention on Cybercrime			Convention on the Protection of Children against Exploitation and Sexual Abuse	
	A minor engaged in sexually explicit conduct	A person appearing to be a minor engaged in sexually explicit conduct	Realistic images representing a minor engaged in sexually explicit conduct	Any depiction of a child's sexual organs for primarily sexual purposes	
Argentina	Yes	No	Yes	Yes	
Bolivia	?	?	?	?	
Brazil	Yes	No	Yes	Yes	
Chile	No	No	No	No	
Colombia	No	No	No	No	
Costa Rica	Yes	No	Yes	Yes	
Dominican Republic	?	?	?	?	
Ecuador	?	No	?	?	
El Salvador	?	No	?	?	
Guatemala	No	No	No	No	
Honduras	?	No	?	?	
Mexico	Yes	No	Yes	?	
Nicaragua	Yes	No	Yes	Yes	
Panama	Yes	No	Yes	?	
Peru	?	?	?	?	

Countries' legal provisions determine that "child pornography" comprises pornographic material that visually depicts:



General remarks:

- Definition for the terms “**child pornography**” and/or “**minor**” not provided (Bolivia, Chile, Colombia, Costa Rica, Dominican Republic)
- Varied wording:
 - **pornographic material** (Bolivia, Colombia, Costa Rica)
 - **images or representations of pornographic nature** (Dominican Republic)
 - **pornographic scenes** (Ecuador)
 - **pornographic or erotic activities** (El Salvador, Honduras)
 - **Sexual acts or bodily exhibitionism** (Mexico)
 - **Activities of sexual nature** (Panama)
- Chile: “songs, pamphlets or other writings, printed or not, images and prints contrary to good conduct”
- Guatemala: “Obscene books, writings, images or objects”