**QUESTIONNAIRE FOR CONSULTATION WITH THE STATES AND CIVIL SOCIETY**

**FOR DRAFTING THE REPORT ON CHILDREN’S RIGHTS, FREEDOM OF EXPRESSION, AND THE MEDIA IN THE AMERICAS**

Through its ongoing monitoring efforts, the IACHR has identified that there is a broad debate in the region surrounding the scope of the right to freedom of expression and the promotion and protection of the rights of children and adolescents. Specifically, the discussion focuses on two issues: 1) The types of measures that the States must take to protect and ensure the effective enjoyment of the right to information and freedom of expression to which children and adolescents are entitled; and 2) The role of the media in a democratic society vis-à-vis the rights of children and adolescents recognized in the Convention on the Rights of the Child.

Accordingly, the IACHR’s Office of the Special Rapporteur for Freedom of Expression and Office of the Rapporteur on the Rights of the Child prepared this questionnaire jointly in order to gather information from the States and from civil society to be used as inputs for a report on children’s rights, freedom of expression and the media in the Americas. In the consultation process, the civil society organizations may also conduct activities to raise awareness of the issue, gather information, conduct research, and organize events to debate the topic, for purposes of making relevant contributions to the report.

The purpose of the questionnaire is to identify the legal frameworks and regulations on audiovisual communications services (open television, subscription television, radio, and other service alternatives that offer programming through convergent platforms), as well as on the print and digital media.

As a complement to that process, we will also seek information on public policies and practices that the States have developed with respect to the protection and promotion of the rights of children and adolescents in connection with their freedom of expression, and with respect to compliance with the obligations imposed upon the States and the media under the Convention on the Rights of the Child.

The Commission invites the States and civil society to answer the questionnaire providing examples of the most representative issues that reflect structural obstacles or patterns, as well as best practices. In addition, we ask that the respondents attach copies of regulatory frameworks, policies, and practices pertaining to the issues to be addressed in the report. The deadline for the submission of information is September 9th, 2016, and it should be sent to the following address:

Inter-American Commission on Human Rights – Organization of American States

1889 F Street, NW

Washington DC, 20006

[cidhexpresion@oas.org](mailto:cidhexpresion@oas.org)

The email subject should be: **Consultation Report “Children’s rights, freedom of expression and the Media in the Americas.”**

1. **Regulatory frameworks, public policies, and regulatory bodies for the promotion and protection of the rights of children and adolescents in the field of mass communications**
2. State whether the country has a specific regulatory framework that contains guidelines on the different issues related to the promotion and protection of the rights of children and adolescents in their relationship to the media in general.
3. State whether the country has a specific public policy, coordinated among the different bodies of the national government, on the promotion and protection of the rights of children and adolescents in their relationship to the media in general.
4. State whether the country has a regulatory body specifically dedicated to enforcing the provisions of the regulatory framework and associated public policies.
5. State whether there are any cases pending before the country’s high courts challenging the provisions established in the regulatory framework and associated public policies.
6. State whether the country has media ombudspersons under the responsibility of the media and/or public institutions. If so, and if possible, specify whether this institution has a specific department for the promotion and protection of the rights of children and adolescents.
7. State whether the country has Media Observatories or similar institutions, and whether they are State, academic, civil society, or other types of initiatives.
8. **Promotion of freedom of expression and children’s and adolescents’ access to information in the media**

**B.1- Programming aimed at children and adolescents and their access to information**

(*If possible, specify answers by type of platform: radio, open TV, subscriber TV*)

1. State what type of programming is aimed at children and adolescents in the country, and the frequency with which it airs.
2. State whether the programming aimed at children and adolescents reaches all regions of the country equally.
3. State whether this content reflects the existing diversity of the country’s child and adolescent population (urban, rural, indigenous, immigrants, disabled, LGBTI, etc.).
4. State whether the country has any communications media policy that guarantees equal access to information for all children and adolescents, and that is adapted to their specific needs (i.e. easily accessible information, in an appropriate language, and that takes account of the country’s cultural diversity).
5. State whether there are policies or measures that guarantee access to media content for disabled children and adolescents (sign language, closed captioning, etc.).
6. State whether the country has policies, measures, or actions that guarantee access to programming for children and adolescents bearing in mind the country’s linguistic diversity.
7. State whether the country has a policy to promote an increase in the number of local media outlets, with decentralization measures (in terms of geography and communications media companies) for the production of content for children and adolescents.
8. State whether the country’s media have production and screen quotas for content aimed at children and adolescents. In particular, specify whether they exist in public media, and if so, the type of policy.
9. State whether the country has a specific funding policy for audiovisual content aimed at children and adolescents.

**B.2- Access of children and adolescents to the media and their active participation in programs**

1. State whether there are policies to create more equitable conditions of access for children and adolescents, so they can express their points of view and demands in the media. State whether strategies and actions are being developed in the country to promote the participation of children and adolescents in the media.
2. State whether there are any media programs in the country whose content is managed, produced, and led by children and adolescents.
3. Specifically in relation to newspaper coverage, state how the focus on the rights of children and adolescents is being promoted in the country in terms of their treatment in the news, including their exercise of the right to be heard on issues that affect them.

**B.3 – Education for children and adolescents with respect to the media**

1. State whether there are information and education programs in the schools that enable children and adolescents to develop their understanding of different aspects related to the phenomenon of the media and to better protect them from potentially harmful material (i.e., News and Media Literacy Policies, or Educommunication Policies).
2. State whether there are educational programs in the schools so that children and adolescents can learn to use different communications platforms and tools and to produce their own content (i.e., News and Media Literacy Policies, or Educommunication Policies).

*Provide the regulatory provisions cited in response to the questions above; documents pertaining to the public policies cited; potential decisions of the national high courts that could set aside or interpret the scope of the provisions or policies; or any other pending legislative bill on the issue, specifying the year of its entry into force.*

1. **Protection of the rights of children and adolescents in relation to the media**

**C.1 – Regulatory framework and content that may affect children and adolescents**

1. Does the country’s regulatory framework in any way restrict the content disseminated by the media, with the aim of protecting the rights of children and adolescents?
2. What guarantees are there that these restrictions do not violate the media’s right to freedom of expression in relation to the dissemination of entertainment content? And in relation to journalism?

**C.2 – Programming schedule for the protection of children and adolescents**

1. State whether the country has a legal framework for child and adolescent protection schedules in the media. If so, what are the protected times?
2. Specify other features of the legal framework on child and adolescent protection schedules in the media:
3. Specify the formats of audiovisual content (i.e., soap operas, movies, series, sports programs, game shows, news, advertising) that are subject to the protection schedule and the formats that do not fall within those guidelines.
4. Specify what type of content is limited during that protection schedule (i.e., violence, sex/pornography, drugs, discrimination).
5. Is the principle of progression stated with respect to the broadcasting of content that is potentially harmful to children and adolescents (that is, the greater the potential negative impact of specific content on child development, the later the time slot in which it can be aired)?
6. Specify whether age groups are taken into account within the country’s protection schedule so that the content broadcast is tailored to the established age group (schedule-age group link).
7. Specify whether a system of symbols and warnings directed at children and adolescents and their parents or guardians is used by the country’s broadcasters before and/or during the dissemination of regulated audiovisual content, taking account of the specific characteristics of each type of content.
8. Specify whether the country has a penalty system for cases in which the media broadcast content that may adversely affect the rights of children and adolescents. What types of penalties, and how are they imposed?

**C.3 – Display of images of children and adolescents**

1. Specify whether the country has any legal provisions regulating the use of children’s and adolescents’ images in the media.
2. Specify whether the country has a guide on recommendations for media outlets that analyzes and explains the use of children’s and adolescents’ images in the media in general (advertising, entertainment, journalism).
3. Specify whether any penalties are imposed against media outlets that expose the images of children and adolescents in vulnerable situations or that violate the right of protection of their identity and privacy (i.e., victims of sexual exploitation, children in the juvenile justice system, street children).

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1. **Journalism and media responsibility**
2. State whether the country has training courses and/or manuals for journalists and other media professionals on how to report on issues that concern children and adolescents. Also, state whether journalistic training programs teach media professionals how to cover matters affecting children and adolescents sensitively and appropriately.
3. State whether the country has public policies for training media professionals on the right to freedom of expression and the rights of children and adolescents.
4. State whether the country’s media guilds and associations for all platforms (radio, television, press, Internet) and communications professionals have codes of conduct or self-regulation bodies to ensure the proper journalistic treatment of issues concerning children and adolescents.

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1. **Advertising**
2. State whether the country has any regulatory framework on the participation of children and adolescents in advertising spots.
3. State whether the country has any restrictions on such advertising and other forms of marketing aimed at children and adolescents.
4. If so, what regulatory model is applied (state regulation, joint regulation, or self-regulation)?
5. Specify whether advertising agencies have codes of ethic for managing advertising and other forms of marketing aimed at children and adolescents.
6. State whether any studies have been conducted in the country with regard to the negative impact of advertising and other types of marketing on the psycho-social development of children and the family context (i.e., violence, erotization, consumption, stress between parents and children).

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1. **Children’s artistic work in the media**
2. State whether there is any regulation (general or specific) in the country governing the work of children and adolescents in artistic pursuits linked to the media (i.e., acting in entertainment or advertising content, participation in competitive talent and reality shows, etc.).
3. State whether the country has an official database (quantitative or qualitative) on the labor participation of children and adolescents in artistic pursuits linked to the media.

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1. **Creation of awareness and research on the intersection of childhood, adolescence, and the media**
2. State whether the country has legal provisions and/or public policies designed to create awareness and studies on the links between childhood, adolescents, and the media. If so, state whether they are state, academic, private sector (media companies, foundations), civil society, or other initiatives.
3. State whether there are public funds or other lines of funding to stimulate and create awareness about the links between children, adolescents, and media.
4. Specify best practices implemented in the country designed to guarantee and promote the exercise of the right to freedom of expression and access to information by children and adolescents. Are they state, academic, civil society, private media company, or joint venture initiatives, or some other kind?

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