

**Andisheh Varzaneh Fanavari Tanzimi (Leinotech) Statement
on The Role of The Private Sector in The Fight Against The Use of
Information and Communications Technologies for Criminal Purposes
for The Third Intersessional Consultation Ad Hoc Committee to
Elaborate a Comprehensive International Convention on Countering
the Use of Information and Communications Technologies for Criminal
Purposes**

Islamic Republic of IRAN - Private Sector

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1. The expansion of information and communication technologies has led to the promotion of the role and position of the private sector in today's societies. The influence of this sector in various layers of decision-making, implementation, supervision and even the application of regulations has become an undeniable and unavoidable reality in fields, ranging from the governance affairs to the management of various micro-macro social fields.
2. The most effective role that the non-governmental sector can play in advancing the goals of national governance systems is the development of “self-regulation” and “self-control” mechanisms. Here, a form of devolved governance is realized, following which the nongovernmental sector enjoys the authority and initiative of independent and direct action to manage its affairs, its clients or its colleagues. This solution, or to be more precise, the “governance strategy”, can also be followed in the form of “co-regulation”, and governments can use this sector to advance various governance affairs and measures.
3. Although, from the point of view of some, the role of the private sectors in cyber governance affairs may be considered threatening, if their duties and powers are defined and determined, especially in parliament Acts, it can create a great opportunity for governance systems. This issue has become more objective, especially in cyber worlds, because national governments are facing many serious challenges for the rule of law and the establishment and stability of order and security.
4. However, the main obstacle facing the private sector in playing a proper and worthy role in cyber governance, especially in its international dimensions, is the legal, legislative, judicial and executive systems of traditional national governments. There are still many restrictions and exclusions facing the non-governmental sector in order to realize its true role and position. Even if the

laws and regulations provide such a possibility, it is unlikely that the managers of the governing organizations and judicial authorities will give in to it and replace the non-governmental sector with themselves in performing governance affairs.

5. Among the various measures and arrangements to fight against cybercrimes, the most appropriate option to hand over to the non-governmental sector is “prevention”. In “the response section”, the cybercrimes, which have an internal aspect, and the non-governmental sector is involved as a direct beneficiary of which, can be involved in the first steps and processes of investigating these crimes, especially regarding “the admissibility of electronic evidence”, which is expected to be more reliable and at the same time more affordable. In more advanced stages, it is even possible to decriminalize and dejudicialize this conduct and leave the prosecution and response of the perpetrators to this sector in the form of a “disciplinary or contractual sanctions”.
6. Regarding technical assistance, the non-governmental sector can act much more efficiently and effectively than governments. Delegating this responsibility can even include auditing and monitoring the aid process to achieve the desired goals, especially, in most cases, it is from the constructive interaction of the non-governmental sectors of the donor and recipient countries that this process ends well. Therefore, the feasibility and need assessment of legal solutions for the organization of non-governmental interactions in this area can make a significant contribution to the realization of the goals of the convention. However, to prevent any possible abuse of the non-governmental sector, it will be necessary to maintain the supervisory role of national governments.