Comments of the Islamic Republic of Iran in response to the Guiding Questions presented by the Chair of the Ad hoc Committee to Elaborate a Convention on Countering the Use of ICT for Criminal Purposes to the Third Session of the Committee

Agenda Item 6: Provisions on preventive measures

(29 August-9 September 2022-New York)

1. Response to the Questions related to preventive measures

− On question thirty-two; criminals misuse services provided by the private sector including social media networking platforms to pursue pernicious activities. In many cases, adopting effective preventive measures on the part of these entities could remarkably deprive criminals of freedom of operation. By way of example, service providers could effectively contribute to crime prevention by suppressing criminal content, intercepting the circulation of such content, and cutting off the continuation of criminal activities. Such measures are particularly important in crimes related to insulting to religious values, dissemination of false news and distribution of intimate images of persons without consent.

− Considering the importance of crime prevention as a cost-effective measure in comparison to measures taken after the perpetration of crimes and given the important role of service providers in preventing the use of information and communications technologies for criminal purposes, the convention should envisage regulations and responsibilities for these entities to adopt appropriate measures in accordance with the convention to prevent and reduce opportunities for the perpetration of crimes. Service providers should adopt such measures with due respect to the social, cultural, and legal specificities of states.
− On the second part of the question, we are of the view that specific attention should be made to preventive measures that consider the vulnerability of children and women to certain crimes. Similarly, service providers could establish such mechanism for children and provide communications channels to the relevant law enforcement authorities of states based on the nationality of the user. Creating an environment in the virtual space that protects children and women from falling victim to crimes is an important step in preventing such crimes.

− In relation to children, a special mechanism could be established to request law enforcement authorities for immediate assistance. Such a mechanism could prevent atrocious crimes that victimize children and suppress crimes in their initial stages. In addition, in designing and developing digital services, to the extent possible, due regard should be made to necessary standards and measures that could help prevent criminal misuses.

− Considering that criminals misuse anonymizing tools for criminal activities such as disseminating criminal content, exchanging tools and software for perpetration of crime, committing heinous crimes against women and children and distribution of drug through internet, in the convention, provisions should be stipulated for preventing such misuses and countering the anonymity of criminals and identity theft in the virtual space. In line with that, improving digital identity at various levels, could be conducive to prevention of crimes, in particular, fraud, financial crimes and crimes related to sexual exploitation.

− Regarding the question on the designation of a national authority for preventing the crimes, we are of the view that establishing such authority which should be in accordance with domestic laws, could present an effective framework for cooperation and coordination in crime prevention. In accordance with our domestic laws, the High Council for Crime Prevention has been entrusted with the task of national coordination, developing strategies and also streamlining necessary policies for the social reintegration of offenders.

− On question number thirty-six and as highlighted earlier, the responsibility of service providers as well as entities active in the field of domain names is an important element in preventing crimes committed via information and communications technologies. Service providers should reduce chances of commission of crimes, effectively cooperate with law enforcement in crime prevention and endeavor to
devise technical measures as well as educational material to respectively prevent crimes and raise awareness of the public.

− On the last question, we believe that the designation of a national authority responsible for crime prevention and also the active engagement of service providers with law enforcement in generating useful information regarding criminal activities could help raise awareness of the public on the existence, causes, and gravity of and the threat posed by the use of information and communications technologies for criminal purposes.

− Sharing lessons learned in preventing the use of ICT for criminal purposes, raising awareness of the methods and schemes used by criminals, and strengthening the capacity of law enforcement in deterring criminal activities could also help prevent individuals from falling victim to crimes.

− It goes without saying that the prevention of crimes could not be fulfilled only by adopting measures that are preventive in nature, rather, effective international cooperation in fighting the use of ICT for criminal purposes including in exchange of electronic evidence, establishing appropriate mechanism and channels for cooperation among judicial authorities, law enforcement, service providers and other relevant entities such as those active in the field of domain names, the responsibility and meaningful cooperation of service providers and other relevant entities, in particular, entities operating at the global level, with law enforcement in the investigation and prosecution of criminal cases and countering misuse of platforms and domain name systems are highly conducive to the prevention of crimes. Such factors, as relevant, minimizes opportunities for criminal activities and misuses, eliminate incentives for the commission of crimes, increase the chances of apprehension of criminals and reduce recidivism. In particular, effective cooperation in combating the crime could ensure that crime does not pay and criminals cannot escape justice which in turn dissuades individuals from engaging in criminal activities.

− In addition, supporting the efforts, capabilities and capacities of states in countering criminal activities and economic development constitute vital elements in ensuring a genuine and effective fight against these crimes.