THE THIRD SESSION OF THE AD HOC COMMITTEE TO ELABORATE A COMPREHENSIVE INTERNATIONAL CONVENTION ON COUNTERING THE USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGIES FOR CRIMINAL PURPOSES

STATEMENT BY
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ON BEHALF OF
THE CARIBBEAN COMMUNITY
(CARICOM)

AGENDA ITEM 6: PREVENTIVE MEASURES

TRUSTEESHIP COUNCIL CHAMBER

SEPTEMBER 2, 2022
Madame Chair,

In respect of the questions on Preventive Measures, CARICOM wishes to submit the following for the consideration of Member States.

**Question 32**

Firstly, CARICOM is of the view that this Chapter should address measures to enhance cooperation of law enforcement agencies. Among these measures, CARICOM proposes that State Parties should implement appropriate measures to encourage persons to provide useful information to competent authorities for investigative and evidentiary purposes to aid in the fight against the use of ICT’s for criminal purposes.

Where persons provide this information or substantial help to the authorities, in the fight against ICT related offences, CARICOM is of the view that State Parties should consider providing reduced punishment, immunity from prosecution together with special protection for such persons. Furthermore, CARICOM envisages that where such a person is located in another State Party and may be of assistance, but is unable to provide this help because of jurisdictional issues, CARICOM proposes that the parties should enter into agreements or arrangements to facilitate such a person providing this cooperation.
Secondly, CARICOM believes that the collection, exchange and analysis of digital information on the nature of the use of ICTs for criminal purposes should also be a focus of this Chapter. CARICOM is of the view that State Parties should analyze trends in the use of ICT for criminal purposes, develop and share expertise in this area and also monitor and review policies and measures used to fight ICT related offences.

Thirdly, CARICOM is of the view that this Chapter should also focus on the participation of civil society. CARICOM proposes that measures should be taken to include the broadest participation of multi-stakeholders including the private sector, and academia. Measures should also be taken to raise public awareness of the unwavering threat of ICT related offences. To this end, greater access to information would help promote greater awareness leading to more effective public participation in the process. Furthermore, CARICOM is of the view that appropriate measures should be introduced so that the public can be aware of the bodies and authorities involved in the fight against ICT related offences. Readily available access to these bodies by the public should be encouraged so as to facilitate greater reporting of ICT related offences.

Finally, this Chapter should also focus on the cooperation between national/public authorities and the private sector. To this end, the focus should be on cooperation between the investigating and prosecuting public authorities and the private sector in combating
ICT related offences. State Parties can consider increasing awareness campaigns and ensuring that there is enhanced compliance with industry standards.

**Question 33**

CARICOM is of the view that the convention should address the issues of cybercriminal attacks against critical infrastructure by requiring the enactment of provisions within domestic law for enhanced penalties to be imposed based on the severity or impact of the offence. This could serve to address crimes which involve attacks against critical infrastructure.

**Question 35**

CARICOM considers that it is not feasible that the convention should impose an obligation on State Parties to designate a specific national authority with the duty to prevent the use of ICT for criminal purposes. This is based on the fact that the existing infrastructures in Member States such as central authorities or mutual legal assistance authorities, 24/7 points of contacts, investigating and prosecutorial agencies, together with the judicial authorities will be sufficient for the prevention of ICT related offences.

**Question 36**

CARICOM believes that whereas the Convention should encourage the involvement and participation of the private sector
in establishing and promoting standards aimed at enhancing measures to prevent the use of ICT's for criminal purposes, there should be no requirement for states to create responsibilities on the private sector in this regard.

Thank you.