PREVENTIVE MEASURES

Thank you very much Madam Chair.

Madam Chair, your Excellencies, Distinguished delegates:

Portugal reiterates its full alignment with the statement delivered by the European Union and would like to make additional remarks in our national capacity.

Most judicial operators agree that prevention is more important than criminal repression. That is, it is more effective to prevent the commission of crimes than to repress their perpetrators.

This view covers two different perspectives.

On the one hand, prevention concerns victims, who should be informed about the crimes that can be committed against them. This perspective seems to be consensual. Most, if not all, of the previous speakers agreed on the need to develop public
campaigns, and information programmes, among other measures, in view of raising awareness about cybercrime.

On the other hand, prevention respects perpetrators. It is a general common approach to many of the criminal policies of the different countries worldwide. This is also our opinion: it is better to prevent crimes from happening than to punish their authors.

This perspective is even more critical in the area of cybercrime as cybercriminals have a specific profile among other criminals. Cybercriminals are people of a different nature. Therefore, in our national context, we have identified four types of cybercriminals.

First, state agents. As for these, prevention is not an issue placed in the context of criminal justice and can, at best, be a concern in cybersecurity or national security.

Second, organized crime networks, whose primary purpose is to make substantial economic profits, causing victims worldwide. As for these, prevention can be very effective if it focuses on disseminating the various criminal methods of these networks to the general public.

Third, contracted professional criminals. Regarding these and their performance, criminal prevention may be less effective, being perhaps one of the cases in which the repressive aspect is more effective.

Fourth, those who, thinking they are exploiting the enormous possibilities on the Internet, end up slipping into illegal activities, becoming an important category of cybercriminals involuntarily. In this regard, we echo the observations already made by the Netherlands, regarding the importance of considering the relevance of the activity of the so-called ethical hackers.

But also children exploring the fantastic possibilities of these new worlds. And young people challenging their limits.
Madam Chair:

Adding our voice to other delegations, Portugal believes that criminal prevention should be taken on board in our convention, but in the criminal justice context. Criminal prevention should not be mixed with issues of national security.

I thank you