32. On which areas should the chapter on preventive measures focus? Are there particular groups, such as children, for whom preventive measures would need to be prioritized?

Answer to this question also covers question 34.

Prevention measures should include promoting cooperation between law enforcement agencies and private organizations, developing standards and procedures designed to ensure information security, strengthening information security standards in the private sector, implementing public education programs in the field of ICT-security, holding events to raise public awareness, contributing to the atmosphere of intolerance in relation to crimes and other illegal acts in the field of the use of ICTs, as well as in order to disseminate best practices, the implementation of public education programs in the field of ensuring ICT-security.

It is proposed to include provisions in the draft convention that each state party, in accordance with the fundamental principles of its legal system, develops and implements or maintains an effective and coordinated policy to combat crimes and other illegal acts in the use of ICTs, seeks to develop and promote effective practices, aimed at preventing offenses in the field of ICT use.

We would like to also mention that special investigative techniques, subject to necessary safeguards and conditions, can also play an important role in preventing, repressing and detecting at an early stage of ICT-crimes, as they can be used before the stage of a formal investigation of a crime.

In the Russian-Chinese draft convention, several separate articles are devoted to measures to prevent offenses in the use of ICTs (Articles 40-42, 44).

33. How should Member States prevent cyber-criminal attacks targeting critical infrastructures?

Such actions should be carried out in accordance with the national legislation of the states.

34. In which areas would the convention require that States parties take measures to cooperate with civil society, the private sector and academia, with a view to preventing the use of information and communications technologies for criminal purposes?

In addition to the answer to question 34, we note that the convention may include a provision emphasizing the positive impact of the state's partnership with civil society, the private sector and the scientific community in order to organize programs to increase citizens' awareness of personal information security issues and ways to prevent the use of ICTs against them in criminal purposes.
The importance of ensuring the transparency of the domestic procedure for the adoption of relevant regulatory legal acts, by providing the possibility of their wide public discussion should also be emphasized.

35. Should the convention provide for the designation of a national authority responsible for preventing the use of information and communications technologies for criminal purposes?

The convention should include a provision for the state party to take the appropriate legislative and other measures necessary to determine the authorities responsible for preventing and combating illegal acts in the field of ICTs. The Russian draft contains a separate article on this issue (Article 41).

36. Should the convention include a provision requiring States parties to create responsibilities for the private sector to establish and implement standards that are aimed at enhancing measures to prevent criminal uses of information and communications technologies? Should the convention include provisions that are aimed at harmonizing domestic legislation in that regard, in order to provide clear guidance for the private sector to prevent crime?

We believe that the convention should include provisions providing for rules according to which each state party must take measures in accordance with the fundamental principles of their domestic law to prevent crime and other unlawful acts in the use of ICTs in the private sector, to strengthen information security standards in the private sector and, where appropriate, to establish and enforce effective, proportionate and dissuasive civil, administrative or criminal sanctions for non-compliance with such measures.

Each private organization (or association thereof) providing information and communication services located in the territory of a state party shall take appropriate measures, within its capabilities and in accordance with the domestic law of that state, to promote the formulation and implementation of the principles and standards of operation of international information space on the basis of observance of human rights enshrined in the fundamental documents of the UN.

The Russian draft convention contains special provisions dedicated to these questions (Articles 42-43).

In addition, we understand that each state party has the right to establish requirements for ensuring an adequate level of information security, as well as corresponding obligations, primarily with respect to providers of various types of services in the field of ICTs, as well as owners of information systems, information and telecommunication networks and automated control systems classified, in accordance with the national legislation of this state party, as critical information infrastructure.

We believe that the inclusion in the convention of provisions on the need to harmonize such requirements is redundant, since, in our opinion, ensuring the functioning of critical information infrastructure should be attributed to the exclusive
jurisdiction of each individual state and, accordingly, should be regulated by the provisions of national legislation.

At the same time, we allow the definition in the convention of minimum requirements for ensuring information security in order to prevent the use of ICTs for criminal purposes.

37. How should the convention encourage States parties to raise awareness of the threat of [cybercrime] [criminal uses of information and communications technologies] and encourage companies, organizations and individuals to take action that will make them more resilient to [cybercrime] [criminal uses of information and communications technologies]?

We believe that the convention should contain a provision dedicated to raising awareness on information security issues, which should, among other things, reflect the importance of developing appropriate awareness raising programs at the state level, aimed primarily at vulnerable segments of the population, including minors.