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Thank you Madam Chair for including India’s question and for circulating it to Member States. I take this opportunity to draw their attention to it.

II. Technical assistance

Madam Chair

It is an accepted fact that there exists a digital divide in the world as already eloquently brought out by Ambassador of South Africa and there are vast differences in capacities. Therefore my delegation strongly believes that technical and capacity building is necessary in order that the Convention be implemented to its full potential.

However, assistance in the form of technical or capacity building should be made available to Member States that either seek such assistance or voluntarily accept the offer of assistance. The assistance should not interfere in the internal affairs of the States accepting such assistance.

India has been extending technical assistance and capacity building, including in digital forensics, through its flagship programme i.e. Indian Technical and Economic Cooperation programme which it makes available bilaterally. India would welcome requests from member States who desire to seek such assistance from India at bilateral level.

Madam Chair,

I shall combine the answers to questions 24, 25 and 28

The technical assistance chapter should not be limited only to the offences that are criminalized under this convention but should be applicable to all the offences committed through the use of ICTs. We are all aware that ICTs are developing in a fast paced manner and many delegates have already said that the convention should be technology-neutral and future-proof. Therefore my delegation submits that we do not list out the specific areas of technical cooperation which could become irrelevant with the passage of time as cyber criminals hone their skills and devise more sophisticated tools. The convention may provide a positive list of areas of technical assistance but not be restrictive. Some areas of cooperation could be as follows:

(a) Methods used in the prevention, detection and countering the criminal uses of ICTs
(b) Routes and techniques used by persons suspected of involvement in the criminal use of ICTs, including in transit States, and appropriate countermeasures;

c) Monitoring of the movement of contraband;

d) Detection and monitoring of the movements of proceeds of crime, property, equipment or other instrumentalities and methods used for the transfer, concealment or disguise of such proceeds, property, equipment or other instrumentalities, as well as methods used in combating money-laundering and other financial crimes;

(e) Collection of evidence;

(f) Control techniques in free trade zones and free ports;

(g) Modern law enforcement equipment and techniques, controlled deliveries and undercover operations;

(h) Methods used in combating transnational organized crime committed through the use of computers, telecommunications networks or other forms of modern technology; and

(i) Methods used in the protection of victims and witnesses.

The efforts could include language training, secondments and exchanges between personnel in central authorities or agencies with relevant responsibilities. Further, use of regional and international conferences and seminars to promote cooperation and to stimulate discussion on problems of mutual concern, including the special problems and needs of transit States. Also, efforts to maximize operational and training activities within international and regional organizations and within other relevant bilateral and multilateral agreements or arrangements and through existing mechanisms of UN and INTERPOL.

26. Developing countries will need capacity building, adequate training and transfer of technology and tools, access to databases, sharing of intelligence, help in formulating appropriate policies and standard operating procedures. India wants to stress on the need to provide the appropriate technology and tools needed since such tools are extremely expensive and beyond the reach of some developing countries.

27. Yes, provisions may be included under the Convention outlining the roles of the UNODC and Interpol and other relevant international organizations so as to facilitate the member states on a case to case basis, on need basis, in providing technical assistance under the Convention.
29. In India’s view, capacity building is a subset of technical assistance and therefore capacity building provisions can be envisaged in the technical assistance by this convention.

30. Yes, the provisions of this convention should include 24/7 point of contact for assisting state parties with resources for effective cooperation including technical assistance.

31. There is always a need for better coordination between the private sector and LEAs of member states in providing technical assistance during investigation. Therefore, this convention may enable such coordination, without compromising the sovereign functions of the member states and there should be no conflict of interest. The private sector can provide the technology, training, intelligence, financial support to developing countries for technical assistance and capacity building. NGOs can play an important role in creation of awareness, protecting vulnerable sections from the criminal use of ICTs and for the integration of convicted persons back into society.

We thank the distinguished delegate of Brazil for his valuable suggestion and we will provide our inputs.

Thank you Madam Chair.