

*In the name of God, the Most Compassionate, the Most Merciful*

**Statement by the representative of the Islamic Republic of Iran**

**Before**

**the Reconvened Concluding session of Ad Hoc Committee on Elaboration of  
a Convention on Countering the Use of ICT for Criminal Purposes**

29 July-9 August 2024-New York

**Madam Chair.**

We have duly reflected the position of my delegation throughout the meetings of the ad hoc Committee. However, I would like to reiterate specific details on our view as to articles 14 and 16. We all know that perpetrators are increasingly misuse ICT including to commit egregious crimes against children including child sexual exploitation and I believe the very rationale for considering this matter in the draft convention is to respond to this criminal phenomenon, to collectively fight against this horrendous crime and to protect our children. But the current formulation of article 14 does not correspond and commensurate with this highly important goal. Article 14(3) might be misinterpreted by a state party to derogate from its obligations to counter such heinous crime when the subject of the material is not a real person.

The use of new technologies has brought about various forms of child sexual exploitation, by way of example misuse of artificial intelligence to produce such material are becoming pervasive, cases have been brought in various countries, where the defendant has superimposed images creating morphed materials that are not real because they represent different persons but are no different from a real content. Given the rapid advancement of ICT, the scale and intensity of such criminal behavior is expected to exponentially increase both in terms of forms, medium and content. Ignoring this imminent threat to our children runs afoul of the numerous positions reiterated in this meeting that this convention should protect our children and should withstand the test of time including on this area.

**Madam Chair.**

If the main goal is to protect our children, then the artificial distinction between real and non-real material would only be superfluous since there exists no difference in the very detrimental impact that such material has on our children and society. Non-real material depicting child sexual exploitation entices perpetrators to commit sexual exploitation against children, expressly legitimizing the production, selling, destination or otherwise making available such material normalize this heinous crime; non-real materials demonstrating child sexual exploitation are indeed conducive to perpetration of such crimes and could be considered also as root causes of commission of unspeakable crimes against children.

It is regrettable that we all witnessed it was implied or expressed by few delegations that selling, producing, dissemination of materials depicting child sexual exploitation online are considered as freedom of expression or fundamental right. We were surprised to hear that the representative of the European Union refers to legal defenses such as self-defense as a ground for exonerating criminals from such offences; engaging in this heinous crime could not be excused under self-defense. Such reading of human rights and criminal law which is non-existent is highly concerning and is contrary to the best interest of children. In the light of the foregoing, we continue to oppose any exception in fighting child sexual exploitation, the strong message of full protection of our children in the face of criminals is a must, we should not opt for lesser protection.

The future convention, as the first-ever international legal framework on combating the use of information and communications for criminal purposes, should indeed have due regard to the differences among various domestic legal systems. It should aim for imposing legal theories of specific legal frameworks on domestic legal systems that adopt a broader approach in countering dissemination of intimate images. The present language contained in Article 16 might prejudice the domestic laws of many countries while reflecting the legal approach of a limited number of countries.

**Thank you.**