

The Democratic Socialist Republic of Sri Lanka

Positions for the International Criminal Police Organization

I. Combatting Sexual Cybercrime in the Age of Technological Development

The Democratic Socialist Republic of Sri Lanka considers the increasing number of reported sexual cybercrimes across the globe to be of great concern both for citizens within our borders and for the international community. Incidences of reported cybercrime of all varieties have grown at a steady rate within Sri Lanka and specific incidences of fake profiles, cyberstalking and “sexting” including child pornography make up a most of these crimes known to Sri Lankan law enforcement. In 2015, the percentage of Sri Lankan citizens with internet access via computer has grown from marginal percentages, up to a quarter of the population along with tens of millions more having access to the internet via mobile device, according to the United Nations Children’s Fund (UNICEF). Since 1995, Sri Lanka has worked to implement domestic legislation that would work to protect children online and result in lengthy sentencing for sexual cybercrime offenders who specifically target children. These efforts have followed by numerous supplemental legislative and organizational measures, all which work to diminish acts of sexual cybercrime. Sentencing legislation was then followed by the 1997 Cyber Crime Act that defined many of the crimes which fall under the scope of this committee such as what constitutes cyberstalking, fraudulent profiles and the appropriate measures for protection of children online. Sri Lanka amended Penal Code 36 twice, in both 2003 and 2006, to bolster provisions regarding the protection of children online and once again defining and increasing sentencing for “sextortion” cases. In 2006, Sri Lanka established a taskforce and organizational structure known as the National Center for Cybersecurity alongside the Computer Emergency Response Team (CERT) which has been tasked with information security for public and private sectors, responsive services to cybercrimes, awareness campaigns and research and policy development. In 2007, Sri Lanka passed Computer Crime Act 24 which established regulatory measures and the reasonable search and seizure laws necessary for enforcement of all cybercrimes. The Sri Lankan Ministry of Defense is ultimately in charge of policy related to cybersecurity and has been responsible for the National Center for Cybersecurity and Sri Lankan CERTs, to provide additional support, Sri Lanka formed a Taskforce for Online Sexploitation in 2015. This task force has allowed us to increase attention and resources dedicated to combatting this domestic issue and the enforcement of our cybercrime laws. Sri Lanka’s domestic commitment to combatting sexual cybercrime is immense and reflects our attitude and priority of curbing this issue.

Sri Lanka has not only taken measures within our own borders as we recognize the need for international cooperation in the fight against sexual cybercrimes due to the global nature of many sexual cybercrimes. Sri Lanka was the first nation in the region of South East Asia to accede to the Council of Europe’s Budapest Convention on Cybercrime, otherwise known as the Convention on Cybercrime. Originally signed in 2001, the Budapest Convention remains one of the only international treaties regarding cybercrime and focuses on cooperation between nations on domestic policy aimed at cybercrimes, establishing effective communication and dissemination of electronic evidence between nations, and working to define certain cybercrimes including many of those which concern sexploitation or child pornography. The domestic law enforcement agencies of Sri Lanka have been open and receptive to many forms of international cooperation with other Member States and enforcement of crimes that have taken place in or moved into the borders of our nation and have been lauded by existing UN organizations such as UNICEF. Sri Lanka hopes its openness and cooperation set the tone and establish a precedent for the rest of the region of Southeast Asia. Not only has the Sri Lankan government cooperated with other member states, it has also coordinated between CERT and Facebook in hopes of curbing the proliferation of cyberstalking and fraudulent profiles which can then lead to other harmful sexual crimes that often take place online. In 2013, Sri Lanka became one of the first members of weProtect, another international initiative which is active in curbing sexual crimes in the region of Southeast Asia. WeProtect is active throughout the rest of the world and promotes international cooperation beyond that just between Member State to Member State, in that it attempts to pair government organizations, international organizations and domestic industries and corporations into the fight against sexual cybercrimes by pairing the

groups together and working to improve technological means for enforcement and recognition of sexual cybercrime activity, coordinating response measures within Member States, conducting educational programs for awareness and hosting a help hotline for victims to call. Unfortunately, Sri Lanka does not yet have access to the International Child Exploitation Database run by INTERPOL and would like to begin efforts toward inclusion to access so that we may be better connected to the effort being conducted by this committee.

Sri Lanka would like to bring further attention to the need for cooperation among Member States in education and informational fields relating to sexual cybercrime, reporting incidences of cybercrime and the enforcement of cybercrime. That is why Sri Lanka proposes the plan of Promoting Effective Access to Communication, Education, and Enforcement (PEACEE). Through the PEACEE promotion, Member States will be better able to recognize the nature of the problem of sexual cybercrime, given a forum for improving the exchange of effective means of combatting it, and encouraged to continue the conversation regarding the necessity of managing successful and coordinated enforcement mechanisms and regulations. In this way the Sri Lanka hopes the Member States involved will be able better able to conduct a harmonized effort to protect the vulnerable members of society.

II. Encouraging International Cooperation to Prosecute War Crimes in Post-Conflict Areas

The Democratic Socialist Republic of Sri Lanka has had a complex, difficult past that provides us a unique position for recommendations on the topic of war crimes in post-conflict areas. Our state was devastated by a brutal civil war that last from 1983 to 2009. In the near 26 years we spent in a state of internal disarray, Sri Lanka also battled attempted insurgency and devastating attacks by terroristic nonstate actors. The civil war caused immeasurable adversities, affecting our economy, environment, citizens, and our international standing. Following many instances of international aid and assistance as well as a negotiated cease-fire, our government was able to successfully restore order. In the few years since the end of our civil war, our government has strongly committed to instituting a large number of institutional reforms laid out in UNHRC resolution 30/1 with the oversight and guidance of the UN Human Rights Council as we continue to combat inter-ethnic violence and internal instability. Resolution 30/1 also sought to investigate alleged rights violations by government forces and especially the LTTE. As of February 29, 2020, Sri Lanka has made the difficult decision to withdraw from the co-sponsorship of UNHRC resolution 40/1. Sri Lanka will not be party to an asymmetric standard of international partnership that marginalizes post-conflict states under the auspices of cooperation. However, we continue to emphasize our commitment to securing fundamental human rights and adequate levels of domestic accountability. Our domestic Commission of Inquiry is expected to be functioning soon to operationalize the Sustainable Development Goals outlined by the UN and improve our progress towards our human rights commitments to best bring those suspected of war crimes and other human rights violations to justice.

Currently, Sri Lanka and other Member States do not have full access to the information and resources of INTERPOL. As a member of INTERPOL since 1956, Sri Lanka would like to advocate for the right to equal access of information and resources for all members of INTERPOL. Upon securing the equal access to resources and information that INTERPOL has to offer, we encourage members of this committee to consider the use of INTERPOL and its extensive databases to improve the knowledge of domestic law enforcement agencies and organizations. Sri Lanka believes that our own Commission of Inquiry demonstrates Member States' ability to structure special organizations complementary to existing domestic judicial structures to identify and prosecute war criminals. We also believe that Member States should maintain sovereignty over the prosecution of war crimes, especially given the International Criminal Court's history of biased case selection, investigations, and procedures, and feel that a framework from INTERPOL would not be effective or appropriate either. For this reason, we continue to stand with the majority of the Southeast Asian region by not signing the Rome Statute. Sri Lanka firmly believes that international intervention in post-conflict areas for the prosecution of war crimes has long been used as a veil for international intervention in sovereign states. With the sentiments of the UN Declaration of Human Rights in mind, we believe that peace and justice can be best achieved by allowing the affected citizens to retain the responsibility of bringing these vile criminals to justice through domestic investigation and prosecution.