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# The Medicrime Convention in the Age of AI. Challenges, Risks and Opportunities

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**“AI will reshape the digital environment that MEDICRIME seeks to protect, enabling more precise falsification, wider distribution, and more effective and hidden fraudulent activities.”**



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# The Medicroime Convention in the Age of AI: Challenges and Opportunities

## The goals

To analyse how artificial intelligence is changing the offences covered by MEDICRIME.

To explore what this means for the application of the Convention.

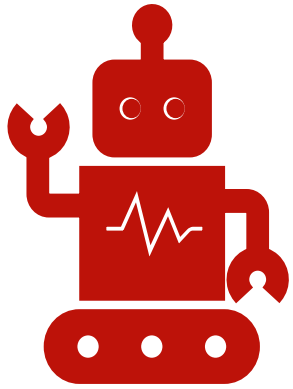
## The approach:

a legal perspective

a criminological perspective.

and a technical-documentary perspective.

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*Article 2 –  
Definition of  
artificial  
intelligence  
systems:*



*“For the purposes of this Convention, “artificial intelligence system” means a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations or decisions that may influence physical or virtual environments. Different artificial intelligence systems vary in their levels of autonomy and adaptiveness after deployment.”*

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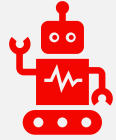
## The online environment for medical products has changed

- How profoundly the digital ecosystem has changed in recent years.
- A new environment: hyperconnected, fast-moving, and often opaque
- AI does not simply add another layer of complexity; it multiplies it.



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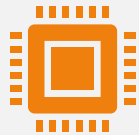
## AI also changes the environment for counterfeiting medical products



AI significantly increases the *capacity*, the *speed*, and the *professional appearance* of fraudulent operations.



AI also helps automate decisions that used to require technical and scientific knowledge.



AI amplifies the professionalisation of falsification while simultaneously reducing the barriers for those who want to engage in it.

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## How AI impacts the manufacturing of falsified medical products

Suggest chemical compositions

Imitates and produce official certificates

Generate realistic packaging

Reduce the cost and the expertise

## How AI impacts illegal Distribution & marketing

Automated targeting of vulnerable groups

Fake influencers, testimonials, reviews

Creation of large bot networks

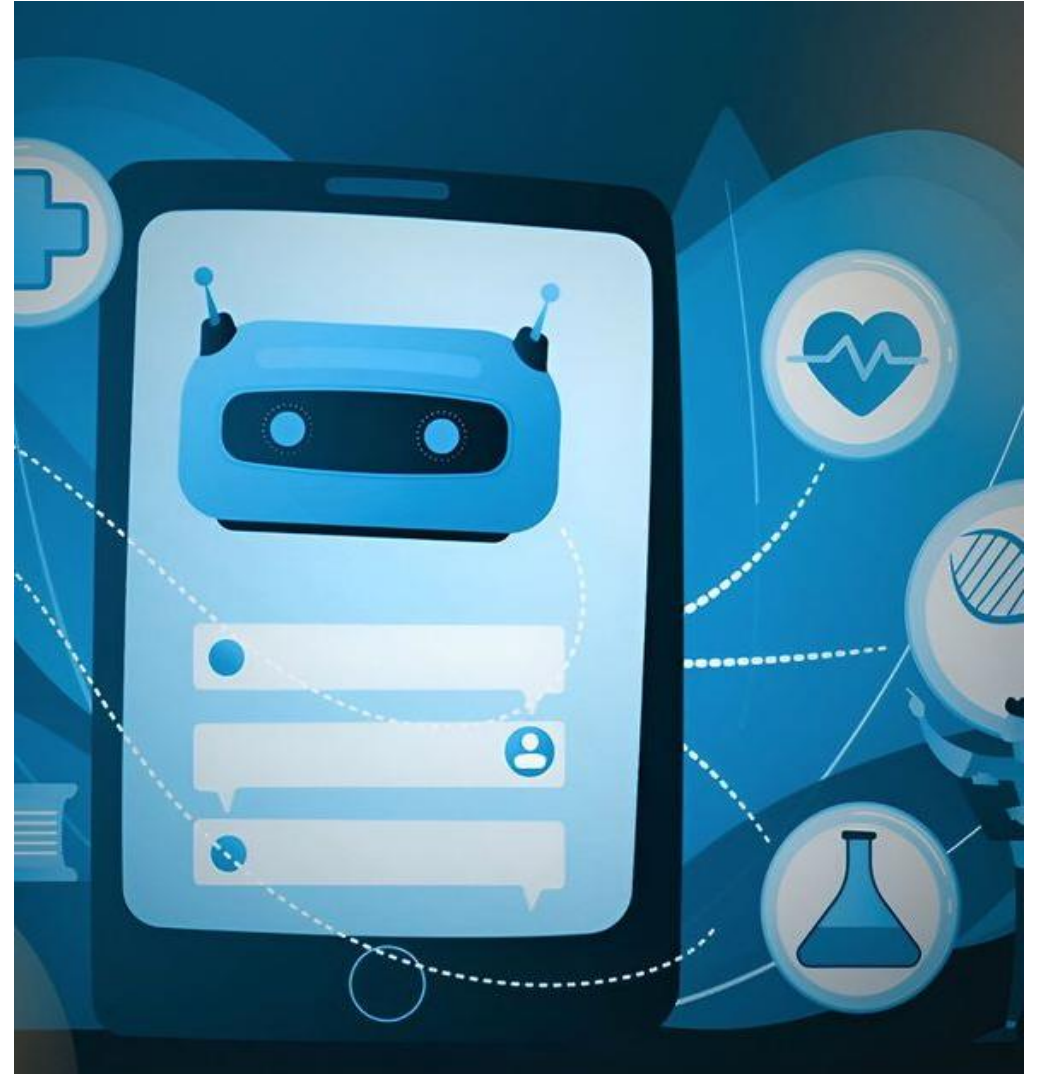
AI-enhanced disinformation

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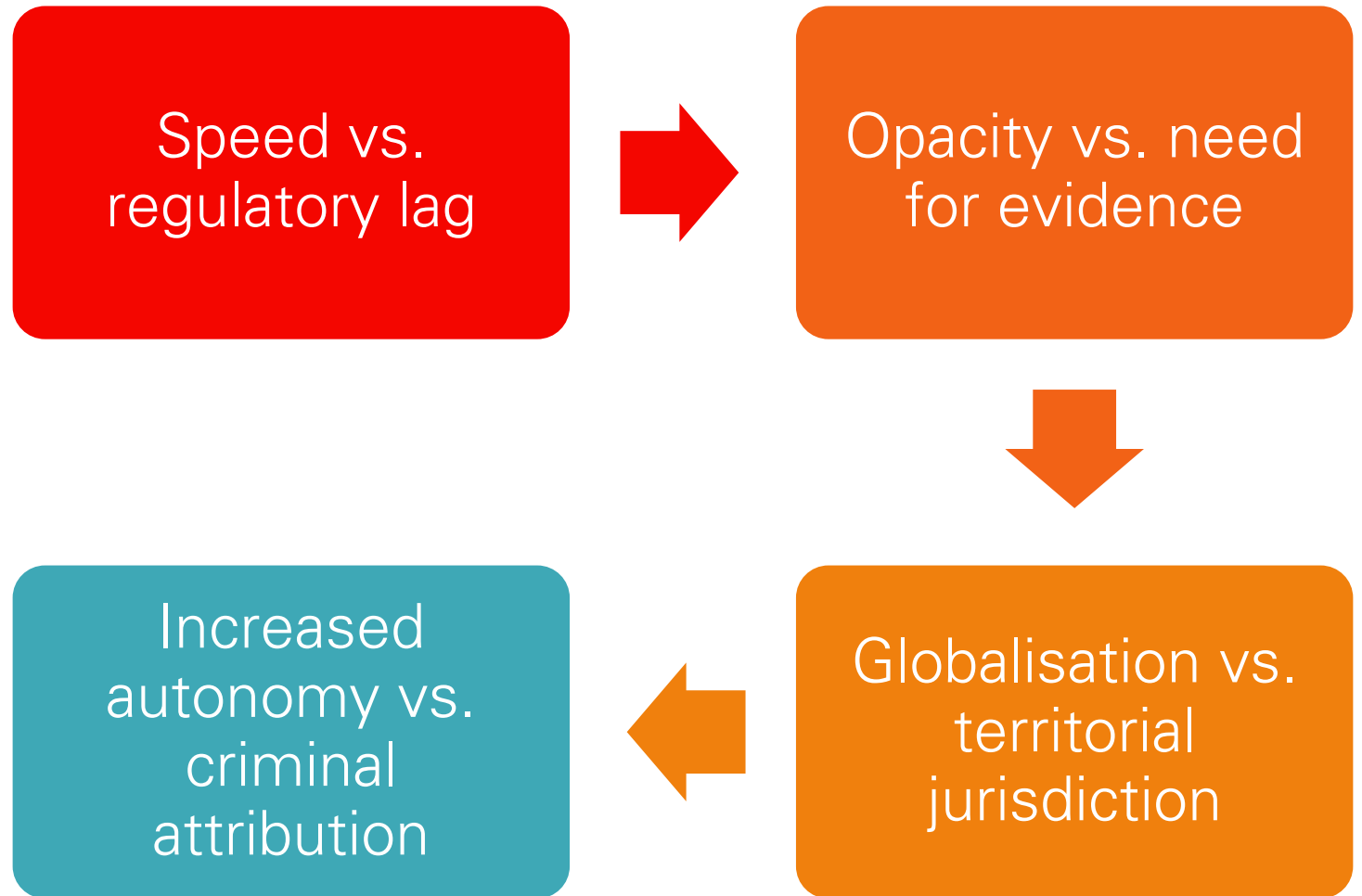
# Generative AI: A New Challenge

- Chatbots providing medical advice
- Risk of unsafe/false recommendations
- New type of “medical product” vulnerable to manipulation
- Potential qualification as “Software as Medical Device” (SaMD)
- AI as a Tool for Combating Fraud



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## Key Tensions Introduced by AI for legal regulations



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# Criminal Liability in AI-Driven Scenarios

AI systems may intervene:

at the design stage,

in the production of forged elements,

in the selection and targeting of victims,

or in the automated creation of content and advertising, without direct human input at each step.

Forms of liability:

corporate liability becomes even more relevant, since many key decisions occur within organisational structures;

duties of care related to the design, training and oversight of AI systems acquire legal significance;

and foreseeability of risk —whether an actor could reasonably anticipate that their AI system might be misused for falsification— becomes central.

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# Does MEDICRIME Need to Be Amended?

Short answer:

No new offences  
needed

No specific AI-  
criminalisation required  
**But:**

Clarifications, guidelines  
and interpretative  
documents are  
recommended

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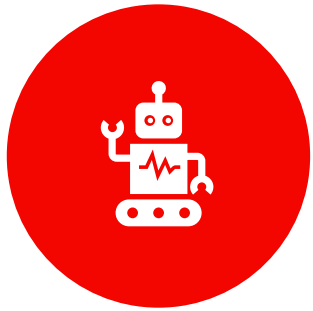
# Issues for Possible Clarification

Three areas where such clarification would be especially valuable.

- The aggravating circumstance referring to the use of “information systems.” (purely at an interpretative level): AI-assisted tools fall within.
  - The issue of early-stage conduct: how MEDICRIME applies when misconduct is “built into” the system early.
  - The growing presence of AI chatbots in healthcare: AI systems can be qualified as Software as a Medical Device (SaMD).
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## Opportunities for Strengthening MEDICRIME



USE AI FOR  
DETECTION &  
PREVENTION



INCREASE  
COOPERATION  
WITH DIGITAL  
PLATFORMS



EXPAND  
CAPACITY  
BUILDING AND  
TECHNICAL  
TRAINING



FOSTER CROSS-  
BORDER  
INFORMATION  
EXCHANGE

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# Cooperation with Online Platforms



PLATFORMS AS  
KEY  
INTERMEDIARIES



NEED FOR  
TRANSPARENCY  
OBLIGATIONS



DETECTION  
ALGORITHMS  
AND DATA  
ACCESS



PUBLIC-PRIVATE  
PARTNERSHIPS

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# Thanks

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